



**STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL  
AND FINANCIAL REGULATION  
OFFICE OF LICENSING AND REGISTRATION  
CHARITABLE SOLICITATIONS APPLICATION**

APPLICANT INFORMATION (please print)

FULL LEGAL NAME

FEIN OR SSN

PHYSICAL ADDRESS

CITY STATE ZIP COUNTY

MAILING ADDRESS

CITY STATE ZIP COUNTY

PHONE # ( ) FAX # ( ) E-MAIL

By my signature, I hereby certify that the information provided on this application is true and accurate to the best of my knowledge and belief. By submitting this application, I affirm that the Office of Licensing and Registration will rely upon this information for issuance of my license and that this information is truthful and factual. I also understand that sanctions may be imposed including denial, fines, suspension or revocation of my license if this information is found to be false.

**SIGNATURE**

**DATE**

**CHARITABLE SOLICITATIONS PROGRAM**

**Professional Solicitor / Professional Fundraising Counsel / Commercial Co-venturer  
Application**

**Required Fee: \$250.00  
or \$200.00 if renewal**

COMPANY TYPE (check *one* box):

- PROFESSIONAL SOLICITOR (PS1421)
- PROFESSIONAL FUNDRAISING COUNSEL (PFR1421)
- COMMERCIAL CO-VENTURER (CCV1421)

Please check appropriate boxes:

Initial License

Renewal

- Application Fee of \$50
- Initial License Fee of \$200
- Renewal Fee of \$200
- Late Fee of \$50  
(if received after 11/30)

**Office Use Only:**

1421 - \$200.00  
1427 - \$200.00  
1446 - \$50.00  
2090 - \$50.00

*Office Use Only:*

Check # \_\_\_\_\_  
Amount: \_\_\_\_\_  
Cash # \_\_\_\_\_  
Lic. # \_\_\_\_\_  
Issue Date \_\_\_\_\_  
Exp. Date \_\_\_\_\_

**PAYMENT OPTIONS:**

Make checks payable to "Maine State Treasurer" - If you wish to pay by Mastercard or Visa, fill out the following:

NAME OF CARDHOLDER (please print) *FIRST* *MIDDLE INITIAL* *LAST*

I authorize the Department of Professional and Financial Regulation, Office of Licensing and Registration to charge my

VISA  MASTERCARD the following amount: \$ \_\_\_\_\_

Card number: *XXXX-XXXX-XXXX-XXXX* Expiration Date *mm / yyyy*

**SIGNATURE**

**DATE**

## Frequently Asked Questions

- **Where do I send my application?** Our mailing address is 35 State House Station, Augusta, Maine 04333-0035
- **Where are you located?** 76 Northern Avenue, Gardiner, Maine.
- **What hours are you open?** 8:00 AM to 5:00 PM weekdays
- **Can I come to Gardiner to drop off my application?** Yes. You will not leave with a license, though.
- **Can I come to Gardiner to pick up my license?** No. Your license will be mailed to you.
- **How long does it take to process an application?** You can check our website: [www.maine.gov/professionallicensing](http://www.maine.gov/professionallicensing). Your license will show up as PENDING at first; as soon as your status is ACTIVE you are authorized to practice.

**What if I have other questions?** Visit our website at:

<http://www.maine.gov/pfr/professionallicensing/professions/charitable/> or contact Marlene McFadden, Office Specialist I, Tel. 207/624-8624, e-mail: [Marlene.M.McFadden@Maine.gov](mailto:Marlene.M.McFadden@Maine.gov) or Elaine Thibodeau, Program Administrator, Tel 207/624-8617, e-mail: [Elaine.M.Thibodeau@Maine.gov](mailto:Elaine.M.Thibodeau@Maine.gov)

## NOTICE

PUBLIC RECORD: This application is a public record for purposes of the Maine Freedom of Access Law (1 MRSA §401 et seq). Public records must be made available to any person upon request. This application for licensure is a public record and information supplied as part of the application (other than social security number and credit card information) is public information. Other licensing records to which this information may later be transferred will also be considered public records. Names, license numbers and mailing addresses listed on or submitted as part of this application will be available to the public and may be posted on our website.

### Before you seal the envelope, did you:

- Complete every item on the application (incomplete applications may be returned)
- Sign and date your application
- Include correct amount (payable to Maine State Treasurer) or credit card information (plus signature)
- Make a copy of your application to keep for your records
- DO NOT SEND CASH.

## Instructions for Application and Renewal:

### **Professional Solicitor (PS) Professional Fundraising Counsel (PFRC) Commercial Co-venturer (CCV)**

A Professional Solicitor, Professional Fund-raising Counsel, or Commercial Co-venturer must be licensed with this office prior to conducting activities in the State of Maine.

#### Definitions:

Professional Solicitor means any person or entity that, alone or through its employees or agents, solicits contributions from the public on behalf of a charitable organization in exchange for a fee or other remuneration. "Professional Solicitor" does not include a *bona fide* employee, *bona fide* salaried officer, attorney, accountant or investment counselor of a charitable organization.

Professional Fund-raising Counsel means any person who is retained, for compensation, by a charitable organization to plan, manage, advise or provide consultation services with respect to the solicitation in this State of contributions, but who does not solicit contributions, has neither custody nor control of contributions and does not directly or indirectly employ, procure or engage any person compensated to solicit contributions. A *bona fide* nontemporary salaried officer or employee of a charitable organization is not considered to be a Professional Fund-raising Counsel. An attorney, investment counselor or banker who advises any person to make a contribution to a charitable organization is not, as the result of such advice, a Professional Fund-raising Counsel. Individuals who contract with Charitable Organizations to provide grant-writing services for the purpose of obtaining money or property from foundations no longer are required to become licensed as Professional Fund-raising Counsel.

Commercial Co-venturer means any person who, for profit, is regularly and primarily engaged in trade or commerce in this State, other than in connection with the raising of funds for charitable organizations or purposes, and who conducts a sale, performance event or collection and sale of donated goods that is advertised in conjunction with the name of any charitable organization. Any such person who will benefit in good will only may not be considered a commercial co-venturer if the collection and distribution of the proceeds of the sale, performance, or event, or the collection and sale of donated goods, are supervised and controlled by the benefiting charitable organization. Any entity whose annual contributions to charitable organizations do not exceed \$10,000 is exempt from the licensure requirement.

#### Applications:

Licenses will not be issued to prospective licensees who submit incomplete applications, or whose applications omit required documentation. All questions on the application must be answered. If they are not, then the application will be considered incomplete and returned for completion. If additional room is needed to answer a question, please attach a separate sheet of paper to the application and state on the application that you have done so. All applications must be notarized.

#### Fees:

The annual licensing fee for a Professional Solicitor, Professional Fundraising Counsel or Commercial Co-venturer is \$200. An additional \$50 application fee is required for your initial license.

### Bond:

A \$25,000 surety bond form is included in this packet. The bond is required of Professional Solicitors and Commercial Co-venturers; it is not required of Professional Fundraising Counsel. The bond or continuation certificate you submit must be an original, have an expiration date no earlier than November 30<sup>th</sup> of the licensure year and be notarized.

### Directors & Officers:

You must submit a current list of officers and directors, which includes their names, contact addresses, phone numbers and e-mail addresses.

### Website:

Application, renewal, and Annual Fundraising Activity Report forms are available at the following website: <http://www.maine.gov/pfr/professionallicensing/professions/charitable/>

### Renewal:

Licenses expire on November 30<sup>th</sup> of each year. If your renewal license application is postmarked after that date, then it will be considered late, and you will be charged an additional \$50 as a late fee. If you attempt to renew your license more than 90 days after your license has expired, then your license will be considered to have lapsed, and you will be required to make application as a new licensee. Until your license is renewed, you may not conduct fund-raising activities in Maine.

### What to Submit for Renewal:

- Completed, Notarized Application
- \$200 in Fees
- List of Current Officers and Directors
- \$25,000 Bond or Continuation Certificate (if Professional Solicitor or Commercial Co-venturer)

### Denial:

An application for a license or renewal of a license can be denied for fraud, misrepresentation or deception on an application, or for a violation of any provision of the Charitable Solicitations Act or rules adopted under authority of the Act.

### Regulations:

Please read the laws and rules governing Charitable Solicitations prior to submitting your application. These are available at the following website:

<http://www.maine.gov/pfr/professionallicensing/professions/charitable/laws.htm>

# REQUIRED INFORMATION

1. BUSINESS LEGAL ADDRESS:

\_\_\_\_\_  
Street City State Zip

PHONE: (\_\_\_\_) \_\_\_\_\_(W)

E-MAIL: \_\_\_\_\_@\_\_\_\_\_

WEBSITE: \_\_\_\_\_

2. OTHER NAME(S) USED (d/b/a):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. LOCATION WHERE RECORDS ARE KEPT:

\_\_\_\_\_  
Name of Location

\_\_\_\_\_  
Street or PO Box City State Zip

PHONE: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

E-MAIL: \_\_\_\_\_

4. NAME AND ADDRESS OF PARTNERSHIP(S) OF THE APPLICANT (Attach a separate sheet if necessary.):

a. \_\_\_\_\_  
Name

\_\_\_\_\_  
Street City State Zip

b. \_\_\_\_\_  
Name

\_\_\_\_\_  
Street City State Zip

c. \_\_\_\_\_  
Name

\_\_\_\_\_  
Street City State Zip

5. HAS THE APPLICANT BEEN SANCTIONED BY A REGULATORY AGENCY OR BY A COURT OF LAW FOR ANY VIOLATION OF THAT JURISDICTION'S STATUTE OR RULES, OR SIGNED A CONSENT DECREE, A CONSENT AGREEMENT, OR AN ASSURANCE OF DISCONTINUANCE?

YES  NO

IF YOU ANSWERED "YES," THEN PLEASE ATTACH A DETAILED EXPLANATION AND COPIES OF ALL DOCUMENTS.

6. HAS THE APPLICANT BEEN DENIED LICENSURE / REGISTRATION IN ANY JURISDICTION OR HAD ITS LICENSE / REGISTRATION REVOKED OR SUSPENDED?

YES  NO

IF YOU ANSWERED "YES," THEN PLEASE ATTACH A DETAILED EXPLANATION AND COPIES OF ALL PERTINENT DOCUMENTS.

*By my signature, I affirm that all information provided in connection with this application is true to the best of my knowledge and belief. I understand that any omissions, inaccuracies or failure to make full disclosure may result in the denial of my license or renewal of my license, or in disciplinary action. I further authorize all law enforcement agencies and officials thereof to release to the Department any and all criminal history record information pertaining to me.*

\_\_\_\_\_  
Name (printed or typed)

\_\_\_\_\_  
Name (printed or typed)

\_\_\_\_\_  
Name (signed)

\_\_\_\_\_  
Name (signed)

\_\_\_\_\_  
Title (printed or typed)

\_\_\_\_\_  
Title (printed or typed)\_

Sworn and subscribed to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Jurisdiction in which Signed

\_\_\_\_\_  
Printed Name of Notary

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date Commission Expires

## CONTRACTS WITH CHARITABLE ORGANIZATIONS

Maine's Charitable Solicitations Act (9 M.R.S.A. § 5001 et seq.), mandates that a true and correct copy of all contracts executed between a Professional Solicitor, Professional Fundraising Counsel or Commercial Co-venturer and a Charitable or an Exempt Charitable Organization be submitted in writing to this office by the PS/PFR/CCV before any solicitation activities occur.

Information pertaining to the Charitable Organizations with whom your organization has contracted must be provided with the license application. You may use a separate sheet of paper if necessary.

Note: Contracting with an unlicensed Charitable Organization that has not qualified as an Exempt Charitable Organization is prohibited under 9 M.R.S.A. §5008(3-A)(C), and may result in disciplinary action. Qualification as a "Tax Exempt Organization" under IRS regulations does not exempt a Charitable Organization from the licensing requirement.

### CONTRACT INFORMATION

Name of Charitable Organization: \_\_\_\_\_

Address of Charitable Organization

Street: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Dates of Contract: From \_\_\_\_\_ To \_\_\_\_\_

Dates of Campaign: From \_\_\_\_\_ To \_\_\_\_\_

In the State of Maine? \_\_\_\_\_ Yes \_\_\_\_\_ No

Purpose of Contract

*Identify the primary service to be performed under the contract (check one):*

Professional Solicitor:

EV - Event / Performance / Show

MS - Mail Solicitation

ND - Neighborhood Drive

TS - Telephone Solicitation

WS - Website Solicitation

OS - Other

Professional Fundraising Counsel:

CT - Consultation

FS - Feasibility Study

PL - Planning

TG - Training

OF - Other

Commercial Co-Venturer:

CP - Coupon

RY - Royalties

OV - Other

**SURETY BOND OF PROFESSIONAL SOLICITOR OR COMMERCIAL CO-VENTURER**

**BOND EXPIRATION DATE:** NOVEMBER 30, 20\_\_\_\_\_

BOND NUMBER #: \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS that \_\_\_\_\_

(Name of Applicant)

of \_\_\_\_\_ as principal, and \_\_\_\_\_

(Address)

(Name of Surety)

of \_\_\_\_\_

(Address)

as surety, are held and firmly bound unto the State of Maine, as Obligee, in the sum of **Twenty-five Thousand Dollars (\$25,000)**, to the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally.

The condition of this obligation is that if the Applicant becomes licensed as a professional solicitor or commercial co-venturer, as described in 9 M.R.S.A. §5001 et seq., complies with all requirements of said statute, and makes full accounting and payment of all charitable funds coming into the Applicant's possession to all persons entitled thereto, this obligation is void. Otherwise, this obligation remains in full force and effect.

This bond remains in force until the State of Maine releases the Surety from liability or until the Surety cancels the bond. The Surety may only cancel the bond upon giving 30 days' advance written notice to the State of Maine and the Applicant. Any such cancellation shall be prospective only and shall not defeat the Surety's obligation to make payment for any breach of the condition of this obligation that occurs or has occurred prior to expiration of the 30-day notice period set forth in this paragraph.

Signed, sealed and dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

Witnessed by: \_\_\_\_\_

(Signature of witness)

(Signature of Applicant)

Printed name of witness:

\_\_\_\_\_

(Surety)

SEAL

By: \_\_\_\_\_

(Signature of authorized representative of surety)

Printed name of representative: \_\_\_\_\_

## ANNUAL FUNDRAISING ACTIVITY REPORT

Maine's Charitable Solicitations Act requires you to submit an Annual Fundraising Activity Report ("AFAR") to the Office of Licensing and Registration no later than 60 days prior to the expiration date of your current license (9 M.R.S.A. § 5008[3]). This means that by September 30<sup>th</sup> of each year, you must file one of the following with our office:

- AFAR for Professional Solicitors
- AFAR for Professional Fundraising Counsel
- AFAR for Commercial Co-venturers

Note: A person or entity that, in exchange for a fee or other compensation, solicits contributions from the public on behalf of a Charitable Organization must become licensed as a Professional Solicitor. A person or entity that, for compensation, plans, manages or advises a Charitable Organization with respect to its fund-raising activities may become licensed as a Professional Fundraising Counsel so long as the person or entity does not solicit contributions, exercises no custody or control over contributions and does not employ anyone who does so.

The information contained in the form pertains to January 1 to December 31 of the preceding year (e.g., 1/1/07 to 12/31/07 for a report filed by 9/30/08).

All information requested must be provided. If it is not, then the form will be returned to you for completion. Renewal licenses will not be issued to licensees who have failed to properly complete and file the AFAR. Failure to complete and file the report may also result in disciplinary action. It is therefore recommended that you submit the report well in advance of the due date, in order to allow time for correction. You may submit the AFAR and the renewal application together, if you file them by the earlier due date of September 30<sup>th</sup>.