

RESOLUTION NO. 318 -2012, ADOPTING LOCAL LAW NO. 33 -2012, A LOCAL LAW TO FURTHER STRENGTHEN THE COUNTY'S REGISTRATION OF NONPROFIT VETERANS ORGANIZATIONS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 13, 2012, a proposed local law entitled, "**A LOCAL LAW TO FURTHER STRENGTHEN THE COUNTY'S REGISTRATION OF NONPROFIT VETERANS ORGANIZATIONS**;" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 33 -2012, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO FURTHER STRENGTHEN THE COUNTY'S REGISTRATION OF NONPROFIT VETERANS ORGANIZATIONS

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the County of Suffolk has a proud tradition of supporting our military service men and women and all veterans.

This Legislature also finds and determines that a number of nonprofit veterans organizations solicit donations in Suffolk County at retail stores and via telephone.

This Legislature further finds and determines that Local Laws No. 5-2011 and 52-2011 established a registration process for nonprofit veterans organizations soliciting donations in the County of Suffolk and is codified as Article III of Chapter 353 of the SUFFOLK COUNTY CODE.

This Legislature finds that, following the enactment of these laws, the County has received suggestions from veterans on ways to improve this program to ensure that these organizations provide accurate information to the public when soliciting donations.

This Legislature determines that many nonprofit veterans organizations use professional fundraisers to solicit donations from the public. In some cases, these fundraisers keep 80-90% of the money raised; clearly, potential donors should be aware of this information before parting with their money.

This Legislature further finds that some nonprofit veterans organizations allow solicitors to dress in military uniforms and fatigues or wear military medals, badges or campaign ribbons while requesting donations from the public, even if they have never served as a member of the armed forces.

This Legislature also determines that this practice may lead members of the public to erroneously believe they are giving their money to a veteran.

This Legislature further determines that individuals soliciting donations from the public for nonprofit veterans organizations should not be in military uniforms or fatigues unless they are actual military veterans.

Therefore, the purpose of this law is to amend Chapter 353 of the SUFFOLK COUNTY CODE to require nonprofit veterans organizations to disclose the percentage of each donation paid by the nonprofit veterans organization to a professional fundraiser or solicitor and ensure that individuals soliciting in military uniforms or fatigues are military veterans.

Section 2. Amendments.

I. Chapter 353 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 353. BUSINESS PRACTICES

ARTICLE III. Registration of Nonprofit Veterans Organizations.

§ 353-20. Definitions.

As used in this article, the following terms shall have the meanings indicated:

NONPROFIT VETERANS ORGANIZATION - Any domestic organization organized under the New York State Not-For-Profit Corporation Law for the purpose of providing support to veterans or their families, which collects monetary donations from the public. This definition shall not apply to any congressionally chartered veterans organizations, as listed in Exhibit A of this article.

§ 353-21. Registration required.

- A. No nonprofit veterans organization shall solicit funds or contributions from the public or have funds or contributions solicited on its behalf within the County of Suffolk unless it has filed a registration statement with the Suffolk County Veterans Services Agency in accordance with the provisions of this section. The registration statement shall be refiled and updated every year for as long as the nonprofit veterans organization is engaged in solicitation activities in Suffolk County.
- B. Such statements shall contain the following information:
 - (1) The name of the organization and the purpose for which it was organized.
 - (2) The principal address of the organization.

(3) A statement indicating whether the organization intends to use professional fundraisers to solicit funds or contributions from the public.

(4) The general purpose or purposes for which the contributions solicited shall be used.

(5) The names and business addresses of the person or persons in direct charge of conducting the solicitation.

(6) The names and business addresses of all professional fundraisers who will be connected with the solicitation.

(7) A list of all organizations or individuals the nonprofit veterans organization has donated to and the amount of each donation during the past thirty-six (36) consecutive months.

(8) The percentage of proceeds from donations collected that is paid to any professional fundraisers and the percentage that is actually received by the nonprofit veterans organization. This information shall also be disclosed to potential donors at the time of solicitation on a poster with lettering no less than one inch in height on a contrasting background or, if soliciting via telephone, prior to requesting a donation.

~~[(7)]~~ (9) A written statement [to the effect] that the fact of registration will not be used or represented in any way as an endorsement by the County of Suffolk or by the Suffolk County Veterans Services Agency of the solicitation conducted thereunder.

~~[(8)]~~ (10) Documents verifying the information provided under the provisions of Subsection **B(1)** through ~~[(6)]~~ (8) above, including all contracts and subsequent amendments thereto between a nonprofit veterans organization and any professional fundraiser with whom it does business.

C. On or before the first day of April of each year, all nonprofit veterans organizations shall file a report with the Veterans Services Agency stating the amount of funds or contributions collected by the organization in the preceding calendar year, the amount expended and the specific recipients of the monies, the purposes for which said amount was expended and the administrative expenses incurred in said period, including a statement of the fees or other charges by any professional fundraisers and the amount paid to the same.

D. The Suffolk County Veterans Services Agency shall provide each nonprofit veterans organization which has completed all registration requirements with a registration certificate, which shall have a registration number and expiration date. Nonprofit veterans organizations soliciting donations must have a valid registration certificate displayed on premises at all times [and present same upon request].

§ 353-22. Prohibited Acts.

A. No person soliciting funds from the public for a nonprofit veterans organization, either professionally or as a volunteer, shall dress in military fatigues or a military uniform when soliciting.

B. No civilian person soliciting funds from the public for a nonprofit veterans organization shall in any way suggest to the public that they are a military veteran

through the wearing of military medals, badges, campaign ribbons or any other article of clothing.

§ [353-22.] 353-23. Penalties for offenses; disposition of fines.

- A. Any nonprofit veterans organization which violates any of the provisions of this article shall be subject to a civil penalty of no less than \$500 nor more than \$1,000 for each violation. Each day a nonprofit veterans organization is in violation of this article shall constitute a separate and distinct violation.
- B. Any nonprofit veterans organization which violates paragraphs A, B(8) or D of Section 353-21 or Section 353-22 of this article shall be guilty of an unclassified misdemeanor and shall be subject to a penalty of up to \$1,000 and/or up to one year's imprisonment.
- C. Civil penalties collected under this article shall be deposited with the Veterans Services Agency to be used to provide services to homeless veterans.
- D. The Veterans Services Agency is hereby empowered to revoke or deny a registration certificate to any nonprofit veterans organization which fails to file all required information with the agency or which files falsified information. Any revocation or denial shall be effective for a period of one calendar year. A revocation or denial shall only be imposed by the Director of the Veterans Services Agency following a hearing and opportunity for an alleged violator to be heard.

§ [353-23.] 353-24. Enforcement actions or proceedings.

§ [353-24.] 353-25. Applicability.

- II. Exhibit A, attached hereto, is hereby added to Article III of Chapter 353 of the SUFFOLK COUNTY CODE.

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

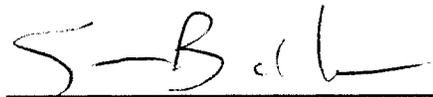
Section 6. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: April 24, 2012

APPROVED BY:



County Executive of Suffolk County

Date: May 15, 2012

After a public hearing duly held on May 9, 2012
Filed with the Secretary of State on June 5, 2012

EXHIBIT "A"

Congressionally-Chartered Veterans Service Organizations

The following organizations are Congressionally-Chartered Veterans Service Organizations and are not subject to the requirements set forth in Article III of Chapter 353 of the SUFFOLK COUNTY CODE:

Navy Mutual Aid Association	The American Red Cross
The American Legion	The National Amputation Foundation, Inc.
American War Mothers	Disabled American Veterans
Veterans of Foreign Wars	Marine Corps League
United Spanish War Veterans	Navy Club of the United States of America
American Veterans Committee	American Defenders of Bataan and Corregidor
AMVETS (American Veterans)	American G.I. Forum
Military Chaplains Association of the USA	Legion of Valor of the USA, Inc.
Congressional Medal of Honor Society	Veterans of World War I
Military Order of the Purple Heart	Blinded Veterans Association
Blue Star Mothers of America, Inc.	National Association for Black Veterans, Inc.
Paralyzed Veterans of America	Veterans of the Vietnam War, Inc.
Gold Star Wives of America, Inc.	Italian American War Veterans
U.S. Submarine Veterans, Inc.	National Veterans Legal Services Program, Inc.
American Ex-Prisoners of War	Women's Army Corps Veterans Association
American Gold Star Mothers, Inc.	Polish Legion of America
Catholic War Veterans	Jewish War Veterans
Pearl Harbor Survivors	Vietnam Veterans of America
Army and Navy Union	Military Order of the World Wars
The Retired Enlisted Association	Fleet Reserve Association
Air Force Sergeants Association	
Non-Commissioned Officers Association of America	
National Association of County Veterans Services Officers, Inc.	
Swords to Plowshares: Veterans Rights Organization	

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on April 24, 2012 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

A handwritten signature in cursive script that reads "Tim Laube".

Clerk of the Legislature

Intro. Res. 1295

Res. No. 318

April 24, 2012

Motion:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
5	Kara HAHN					
6	Sarah S. ANKER					
7	Rob CALARCO					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.					
Totals		17	1			

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
<input type="checkbox"/> Send To Committee
<input type="checkbox"/> Table Subject To Call
<input type="checkbox"/> Lay On The Table
<input type="checkbox"/> Discharge
<input type="checkbox"/> Take Out of Order
<input type="checkbox"/> Reconsider
<input type="checkbox"/> Waive Rule _____
<input type="checkbox"/> Override Veto
<input type="checkbox"/> Close
<input type="checkbox"/> Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote