

**RESOLUTION NO. 109 -2015, ADOPTING LOCAL LAW
NO. 11 -2015, A LOCAL LAW TO STRENGTHEN
REQUIREMENTS FOR NONPROFIT VETERANS
ORGANIZATIONS SOLICITING DONATIONS IN SUFFOLK
COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on October 7, 2014, a proposed local law entitled, "**A LOCAL LAW TO STRENGTHEN REQUIREMENTS FOR NONPROFIT VETERANS ORGANIZATIONS SOLICITING DONATIONS IN SUFFOLK COUNTY**;" now, therefore be it

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

LOCAL LAW NO. 11 -2015, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO STRENGTHEN REQUIREMENTS FOR
NONPROFIT VETERANS ORGANIZATIONS SOLICITING
DONATIONS IN SUFFOLK COUNTY**

**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 enacted Local Law No. 5-2011 to require nonprofit veterans organizations to register with the County's Veterans Services Agency prior to soliciting donations within the County of Suffolk.

This Legislature further finds that the County also requires these organizations to disclose pertinent financial information, including the amount of money they pay to professional fundraisers, their administrative expenses and the amount of monies that actually go to benefit veterans' causes.

This Legislature also finds that Local Law No. 5-2011, now codified at Chapter 353 of the SUFFOLK COUNTY CODE, needs to be amended and updated to enhance enforcement of the law's requirements and to ensure that important information about nonprofit veterans organizations is disseminated to the general public so residents can make informed decisions when they make a donation to assist veterans.

Therefore, the purpose of this law is to authorize the County Comptroller to assist the Veterans Services Agency in enforcing registration and disclosure requirements and to direct the Veterans Services Agency to disseminate the information they collect about nonprofit veterans organizations to the general public.

Section 2. Amendments.

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

Chapter 353. Business Practices

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Article III. Registration of Nonprofit Veterans Organizations.

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§ 353-21. Registration required.

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B. Such statements shall contain the following information:

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- (9) The amount and percentage of monies raised in the preceding fiscal year that was expended to assist and support veterans' programs within the County of Suffolk and/or individual veterans and their families, and a list of expenditures and donations that comprise the monies expended to assist veterans' programs and individual veterans and their families.
- [9] (10) A written statement 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.
- [10] (11) Documents verifying the information provided under the provisions of Subsection B(1) through (9) above, including all contracts and subsequent amendments thereto between a nonprofit veterans organization and any professional fund-raiser with whom it does business.
- (12) The Veterans Services Agency shall request additional documents from nonprofit veterans organizations including the organization's federal and state tax return documents, including Form 990 with all schedules; Articles of Incorporation; a list of the organization's Board of Directors; proof of liability insurance; annual notice of registration with the New York State Attorney General; and copies of other licenses and permits issued to the organization by the County of Suffolk.

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[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 fund-raisers and the amount paid to the same.]

[D]C. The Office of the Suffolk County Comptroller shall review all tax returns, registration statements and reports submitted by nonprofit veterans organizations and assist the Veterans Services Agency in determining whether all registration requirements have been satisfied. The Comptroller may, if necessary, request additional documentation from a nonprofit veterans organization to support their registration statement; an organization's failure to comply with the Comptroller's request for additional documentation will result in an incomplete application. 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.

D. The Office of the Suffolk County Comptroller shall provide to the Veterans Service Agency, for the purposes of public dissemination, the following information regarding each registered non-profit veterans organization: the total monies raised by the organization in the preceding calendar year; the amount and percentage of monies that were paid to professional fundraisers and professional solicitors; the amount and percentage of monies raised that was expended to support veterans' programs within the County of Suffolk with a line item breakdown of the programs that received monies and the amounts received; the amount and percentage of monies raised that was donated directly to Suffolk veterans and their families; the amount of monies raised that remain undistributed.

E. The Veterans Service Agency shall deny an application for registration or renewal if a non-profit veteran organization fails to submit its federal and/or state tax returns for the prior fiscal year; however, the Agency will not deny an application on this ground if the Internal Revenue Service and/or the New York State Department of Taxation and Finance has extended the deadline for the filing of tax returns by the Agency and the Agency's failure to file has not extended more than six (6) months beyond the original filing deadline.

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§ 333-22. Prohibited Acts

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B. No civilian person soliciting funds from the public for a nonprofit veterans organization shall [in any way suggest] fraudulently represent to the public that he/she is military veteran through the wearing of military medals, badges, campaign ribbons or any other article of clothing.

C. No person soliciting funds from the public for a nonprofit veterans organization shall fraudulently misrepresent their record of military service. Any person who makes a representation of their prior or current military service while soliciting funds shall provide, upon demand, appropriate and commonly accepted identification or credentials verifying their service or veterans' status. A lawfully issued United States Department of Veterans Affairs enrollment card, a Common Access Card ("CAC") , a DD-214 or a Suffolk County

Resident Veterans ID Card issued by the Suffolk County Veterans Service Agency may be used to verify military services or veterans status.

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

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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. The Veterans Services Agency is further empowered to deny or revoke a registration certificate if it is determined that an officer, employee or agent of a nonprofit veterans organization has violated § 353-22 the federal Stolen Valor Act (18 U.S.C.A. § 704) or a substantially similar state or local statute. 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.

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§ 353-25. Reports of the Veterans Services Agency.

The Veterans Services Agency will submit a written report to the Veterans and Seniors Committee of the County Legislature no later than June 15th each year, summarizing the information submitted by each registered nonprofit veterans organization pursuant to this Article. This report will include metrics indicating the percentage of monies raised by each organization that were expended or donated to support Suffolk County veterans and/or veterans programs. The Veterans Services Agency shall post this report on their departmental website. Information that identifies individual veterans who received assistance from nonprofit veterans organizations shall be confidential and will not be disseminated to the public.

§ 353-2[5]6. Applicability.

This article shall apply to all nonprofit veterans organizations operating or soliciting donations in Suffolk County on or after the effective date of this article.

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Section 3. Applicability.

This law shall apply to 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: March 3, 2015

APPROVED BY:

/s/ Steve Bellone
County Executive of Suffolk County

Date: March 23, 2015

After a public hearing duly held on March 16, 2015
Filed with the Secretary of State on April 17, 2015