

**RESOLUTION NO. 1154 -2010, ADOPTING LOCAL LAW
NO. 5 -2011, A LOCAL LAW TO REGISTER NON-PROFIT
VETERANS' ORGANIZATIONS IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 17, 2010, a proposed local law entitled, "**A LOCAL LAW TO REGISTER NON-PROFIT VETERANS' ORGANIZATIONS IN SUFFOLK COUNTY**"; now, therefore be it

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

LOCAL LAW NO. 5 -2011, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO REGISTER NON-PROFIT VETERANS'
ORGANIZATIONS 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 members of the military and their families serve in a vital role and sacrifice much to protect and serve the United States.

This Legislature also finds and determines that after their military service ends, many veterans need assistance in returning to civilian life.

This Legislature further finds and determines that there are many non-profit veterans organizations that provide aid and support to veterans and their families.

This Legislature finds that these organizations frequently solicit monetary donations from the public.

This Legislature determines that some non-profit veterans organizations contract with professional fund-raisers to solicit donations from the public.

This Legislature also finds that many of these professional fund-raisers retain the majority of the funds collected by public donation, with the non-profit veterans organization receiving little of the money donated.

This Legislature also determines that members of the public are often unaware that their donations are not used to supply aid or services to veterans and their families, but are instead paid to private solicitors.

This Legislature further finds that many of these non-profit veterans organizations fail to file the financial disclosure forms required as a non-profit organization under state law.

This Legislature further determines that non-profit veterans organizations should register with Suffolk County and provide annual financial statements to ensure the integrity of the organizations operating within the County.

Therefore, the purpose of this law is to require that all non-profit veterans organizations register with the Suffolk County Veterans Services Agency in order to solicit donations in Suffolk County.

Section 2. Definitions.

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

“NON-PROFIT VETERANS ORGANIZATION” shall mean 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.

“PERSON” shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association, or other entity or business organization of any kind.

“PROFESSIONAL FUND-RAISER” shall mean any person who, for compensation or other consideration, plans, conducts, manages or carries on any activity in Suffolk County for the purpose of soliciting funds or contributions for or on behalf of any non-profit veterans organization or who engages in the business or holds himself out to persons as being independently engaged in the business of soliciting contributions for such purposes.

“PROFESSIONAL SOLICITOR” shall mean any person who is employed or retained for compensation by a professional fund-raiser to solicit funds or contributions on behalf of any non-profit veterans' organization from persons in Suffolk County.

Section 3. Registration.

- A. No non-profit 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 refilled and updated every year for as long as the non-profit 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 fund-raisers 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 fund-raisers who will be connected with the solicitation.
 - (7) A 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) Documents verifying the information provided under the provisions of Subsection B (1) through (6) above, including all contracts and subsequent amendments thereto between a non-profit veterans organization and any professional fundraiser with whom it does business.
- C. On or before the first day of April of each year, all non-profit 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, 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.

Section 4. Penalties.

- A. Any non-profit veterans organization which violates any of the provision of this law shall be subject to a civil penalty of no less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each violation. Each day a non-profit veterans' organization is in violation of this law shall constitute a separate and distinct violation.
- B. Civil penalties collected under this article shall be deposited with the Veterans Service Agency to be used to provide services to homeless veterans.

Section 5. Enforcement actions or proceedings.

The civil penalties prescribed by this law shall be recovered by an action or proceeding in any court of competent jurisdiction. All such actions or proceedings shall be brought in the name of the county by the County Attorney. In addition, the County Attorney may institute any other action or proceeding in any court of competent jurisdiction that may be appropriate or necessary for the enforcement of this law, including actions to secure permanent injunctions enjoining any acts or practices which constitute a violation of any provision of this law, mandating compliance with the provisions of this law, or for such other relief as may be appropriate. In any such action or proceeding, the County Attorney may apply to any court of competent jurisdiction, or to a judge or justice thereof, for a temporary restraining order or preliminary injunction enjoining and restraining all persons from violating any provision of this law, mandating compliance with the provisions of this law or for such other relief as may be appropriate, until the hearing and determination of such action or proceeding and the entry of final judgment or order therein. The court, or judge or justice thereof, to whom such application is made, is hereby authorized forthwith to make any or all of the orders above specified, as may

be required in such application, with or without notice and to make such other and further orders or directions as may be necessary to render the same effectual. No undertaking shall be required as a condition to the granting or issuing of such order or by reason thereof.

Section 6. Applicability.

This law shall apply to all non-profit veterans' organizations operating or soliciting donations in Suffolk County on or after the effective date of this law.

Section 7. 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 8. SEQRA Determination.

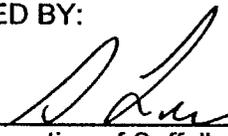
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning 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 9. Effective Date.

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

DATED: December 7, 2010

APPROVED BY:



County Executive of Suffolk County

Date: JAN 07 2011

After a public hearing duly held on December 20, 2010
Filed with the Secretary of State on January 20, 2011

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 December 7, 2010 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.

Tim Laube

Clerk of the Legislature

Intro. Res. 1866

Res. No. 1154

December 7, 2010

Motion:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vioria-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vioria-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vioria-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	18				

MOTION

Approve

Table: _____

Send To Committee

Table Subject To Call

Lay On The Table

Discharge

Take Out of Order

Reconsider

Waive Rule _____

Override Veto

Close

Recess

APPROVED FAILED _____

No Motion _____ No Second _____

RESOLUTION DECLARED

ADOPTED

NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote

**RESOLUTION NO. 826 -2011, ADOPTING LOCAL LAW
NO. 52 -2011, A LOCAL LAW AMENDING LOCAL LAW NO. 5-
2011, A LOCAL LAW TO REGISTER NON-PROFIT VETERANS'
ORGANIZATIONS IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 16, 2011, a proposed local law entitled, "A LOCAL LAW AMENDING LOCAL LAW NO. 5-2011, A LOCAL LAW TO REGISTER NON-PROFIT VETERANS' ORGANIZATIONS IN SUFFOLK COUNTY;" now, therefore be it

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

LOCAL LAW NO. 52 -2011, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW AMENDING LOCAL LAW NO. 5-2011, A LOCAL
LAW TO REGISTER NON-PROFIT VETERANS' ORGANIZATIONS
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 Local Law No. 5-2011 establishes registration requirements for non-profit veterans organizations soliciting donations in Suffolk County.

This Legislature also finds and determines that enforcement provisions of this law need to be strengthened.

This Legislature further finds and determines that registered organizations should be provided with a registration certificate by the Veterans Services Agency to facilitate the enforcement of this law.

This Legislature finds that non-profit veterans organizations should also have a valid registration certificate with them when soliciting donations from the public.

Therefore, the purpose of this law is to require that registered non-profit veterans organizations receive a registration certificate from the Veterans Services Agency and maintain same on premises while soliciting donations.

Section 2. Amendments.

Sections 3 and 4 of Local Law No. 5-2011 are hereby amended as follows:

Section 3. Registration.

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

Section 4. Penalties.

A. Any non-profit veterans organization which violates any of the provisions of this law shall be subject to a civil penalty of no less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each violation. Each day a non-profit veterans organization is in violation of this law shall constitute a separate and distinct offense.

B. Any non-profit veterans organization which violates paragraph D of Section 3 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.

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.

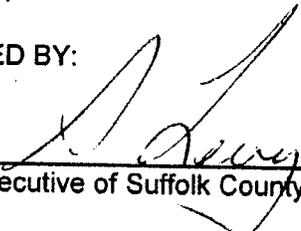
Section 6. Effective Date.

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

___ Underlining denotes addition of new language

DATED: October 11, 2011

APPROVED BY:



County Executive of Suffolk County

Date:

NOV 10 2011

After a public hearing duly held on October 25, 2011
Filed with the Secretary of State on December 28, 2011

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 October 11, 2011 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.

Tim Laube

Clerk of the Legislature

Intro. Res.

1730

Res. No.

826

October 11, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6	Sarah S. ANKER					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, 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