

## Charitable Solicitation Licensing Frequently Asked Questions for Solicitors

### 1. How do I know if what I do makes me a Solicitor?

You are a solicitor if:

1. You're paid, and
2. You're not a fund-raising consultant, and
3. You:
  - Perform a service, including the employment or engagement of others, to solicit donations for a charity or sponsor.
  - Plan, conduct, manage, or consult (directly or indirectly) in the solicitation of contributions.
  - Your fee may be fixed OR it may be based on the success of the solicitation campaign.
  - You will at some point have custody and control of the contributions before they are turned over to the charity.

The next FAQs go into more detail about each of these things. If you are not sure if what you do means you're a solicitor, [Contact CSL](#).

### 2. So, what is a fund-raising consultant?

You are a fund-raising consultant if you:

- Have a written agreement with a charity or sponsor, *and*
- Are paid a fixed rate or fee for your services, *and*
- Under the agreement you plan, manage, conduct, consult, or prepare materials to be used in the solicitation of contributions.

As a fund-raising consultant, you **DO NOT**:

- Solicit contributions or employ or engage anyone else to solicit contributions; AND
- You DO NOT at any time have custody or control of contributions received in a solicitation campaign.

### 3. I'm not paid by a check from the charity. They pay me another way. Does that count?

Yes, it counts. The definition of "solicitor" talks about "compensation". So if you're paid with something other than cash or a check, it still counts as compensation. For example, if you collect donations for the charity and take your payment off the top, that would still count.

### 4. So, I understand the 1<sup>st</sup> part but in FAQ # 1, you talk about solicitors performing services to solicit contributions. What kind of services are you talking about?

You're performing a service as a solicitor if you do things like hire someone to ask for donations for the charity or sponsor, or if you run a call center where donation request calls are made on behalf of a charity, or if you run all aspects of a fundraising event for a charity, including soliciting contributions and securing sponsorships for a charity. If you have questions, please [contact CSL](#).

### 5. Does it make a difference if I'm only indirectly helping a charity get donations but I am paid to do it?

No, it doesn't make a difference. Here's an example: You're indirectly planning a charity's solicitation and you meet all the other criteria. You are a solicitor.

## **6. So, I think I am a Solicitor. How do I apply for a license?**

To apply for a license, you need to:

1. Complete a [Solicitor Application Form](#);
2. Gather additional documents the application asks you for;
4. Get a [surety bond](#). We've also put together some [information about bonds](#) to help.
5. Mail everything to us:
  - The completed application form;
  - All documents, including the Bond;
  - The fee for a license.

## **7. I have a solicitor license. I want to provide fund-raising consultant services too. Do I need to get a separate license as a Fund-Raising Consultant?**

No, you don't have to get another license. If you're a licensed solicitor, you can also provide fund-raising consulting services to your charity and sponsor customers. There are required filings for Fund-Raising Consultants you must follow. Click here for information on [FRC Filing Requirements](#).

## **8. Can I file my application on-line?**

No, you can't file your application on line. Completed applications should be mailed to:

NC Department of the Secretary of State  
ATTN: CSL  
PO Box 29622  
Raleigh, NC 27626-0622

## **9. What is a surety bond?**

A surety bond is a kind of guarantee or insurance policy. Solicitors have to get a surety bond from a company to protect the charities they are soliciting contributions to support. The bond provides assurance to the charity that if the solicitor does not return the contributions received to the charity, there will be some money to cover all or part of the charity's loss.

## **10. Do I have to get a surety bond or is there something else I can do?**

There is an alternative. You can get a certificate of deposit. We've put together some [information on the bond requirement](#) to help you out.

## **11. Can I get the surety bond from you?**

No, we don't issue bonds. The bond must be filed with your license application and we will make sure it meets the requirements for your license needs. We've put together some [information](#) to help you as you work to obtain your bond.

## **12. If I can't get the bond from you, where can I get it?**

You have to get a surety bond from a licensed insurance company. The North Carolina Department of Insurance (NCDOI) licenses the companies. NCDOI has a list of licensed insurance companies that provide surety bonds. Click here to go to their website. NCDOI can answer questions about bonds and bond companies. Or, call them at:

800-546-5664 (in North Carolina Only)

919-807-6750 ( outside North Carolina)

**13. How much does the bond or certificate of deposit have to be for?**

The necessary amount of the bond varies. It depends on the amount of contributions you received through solicitation campaigns for charities the year before:

Amount of contributions in the last fiscal year	Amount of Bond you have to get
Less than \$100,000	\$20,000
\$100,000 to \$199,999	\$30,000
\$200,000+	\$50,000

**14. When do I have to get the bond?**

You must have the bond in place when you apply for your license and provide it during the application process.

**15. How long do I have to keep the bond?**

You have to keep the bond as long as you're licensed as a solicitor. If your bond is suspended or revoked, your solicitor license will be suspended until you provide CSL a new bond certificate.

**16. How much is the fee for a Solicitor license?**

The fee is \$200 a year.

**17. How long does my license last?**

All solicitor licenses expire on March 31<sup>st</sup> of each year and you must renew on or before March 31<sup>st</sup> to stay in current status. If you apply at any point during the year, you will be issued a license from that day forward until March 31<sup>st</sup>.

How will I know when it is time to renew my license?

All solicitor licenses expire on March 31<sup>st</sup> of each year and the date is printed on your license document. In addition, the Department will mail a license renewal packet to all current licensees 65 days prior to the renewal date. The package will include a copy of the [Solicitor License Application](#).

**18. Can I get an extension if I can't get my renewal form in by March 31<sup>st</sup>?**

No. There are no extensions available for Solicitor license renewals.

**19. I didn't renew my license by March 31<sup>st</sup>, will I be charged a late fee?**

No. But, if you don't get your license renewed by March 31<sup>st</sup> and you act as a solicitor while your license is expired, you violate the law. We can investigate and impose penalties for acting as a solicitor without a current license.

**20. I'm going to apply for a solicitor license. How long will it take you to approve my license?**

Within 10 days after we receive your application for a license, we'll do one of 3 things:

- We'll approve the application OR
- We'll deny the application OR
- We will ask you for more information.

If we ask for more information, we'll send you a letter or we'll e-mail or call you. **You do not have a license until it is issued by us.** You will receive a copy of your license in the mail. You may also access a copy of your license through our [Search Registry](#).

**21. If my application for a license is denied, can I appeal?**

Yes. The letter denying the application will tell you what you need to do if you want to appeal. Read the letter carefully. You only have 7 days to appeal. Click here for more information.

**22. How will I know if you've approved my application or not?**

We'll mail you a license if we approve your application. The license will be mailed to the person and the address indicated on your application.

You can also [Search Our Registry](#) at any time to check the status of your application.

If you don't find it, that doesn't mean we haven't approved it. It may just mean we haven't processed it yet. **You are not licensed until we issue the official license.**

**23. After I get my license will I need to file anything else with you?**

YES! Solicitors have to file a number of important documents with us. You have to file documents throughout the year related to your solicitation activity in North Carolina.

**24. What reports do I have to file once I get my license?**

Document to be filed	When is it due?	Important Information!
Contracts including solicitation of contributions in NC	Before the solicitation campaign or event. Typically, solicitors file contracts when they file their license application.	You must submit a completed <a href="#">Solicitor Contract Checklist</a> with <b>each</b> contract you file.
<a href="#">Solicitation Campaign Notice</a>	At least 5 days before start of a fundraising or solicitation campaign	You must submit a completed <a href="#">Solicitation Campaign Notice</a> for <b>each</b> campaign.
<a href="#">Financial Report</a>	Within 90 days after a solicitation campaign ends OR If the campaign hasn't ended, every year on the anniversary of the campaign's start date.	The required <a href="#">Financial Report</a> form must be completed and submitted.

**25. I have a contract that lasts more than one year. Do I have to send you the contract every year?**

No. But, you do have to send us a [Financial Report](#) for every year that a solicitation campaign happens under the contract. The Financial Report is due each year on the anniversary of the date the campaign started.

**26. I know someone who's soliciting and I don't think they have a Solicitor License. What can I do?**

You can:

1. [Search Our Registry](#) to see if they have a license. When you check, remember that we issue licenses in the official, legal name of a person or organization. So, if the name they're using is a "doing business as" or d/b/a name, you may not find that name when you search our website.
2. If after doing a search you do not see that the person or business has a license, you should submit a complaint to us. Complete our [Complaint Form](#) and send it to us with any supporting documents that you think would be helpful. If you do submit a complaint, it is a public record.

## 27. Are there any other things I need to be aware of as a solicitor?

Yes. There are some other things you have to do and some things you can't do.

- You have to notify us of changes in any information on documents you file with us. You have to let us know **within 7 days** of when the change occurred.
- You, and any individual working for you, must disclose to each person from whom you verbally solicit contributions, the following:
  - Your name or your business name as you have it on file with us;
  - Your legal name, and your employees must provide their legal name when soliciting contributions;
  - Inform the person that you are a paid solicitor.

These disclosures must be made verbally for in person and phone solicitations and must be made in writing for any written solicitations.

Additionally, **ALL** written solicitations must contain the following statement in a minimum font size nine and be made conspicuous by underline, border, or bolding:

**Financial information about the solicitor and a copy of its license are available from the State Solicitation Licensing Branch at 919-807-2214 or 888-830-4989. This license is not an endorsement from the State.**

There are some things you can't do as a solicitor. For example, you can't:

- Act as a solicitor after your license has expired;
- Send anything that looks like an invoice in an effort to collect a donation;
- Say someone's connected with a solicitation without their permission;
- Solicit and say it's for a charity or use the charity's name unless you have their permission;
- Misrepresent how much money a charity will get from a solicitation.

If you're not sure if you can do something, please [contact CSL](#) and ask.

## 28. How do I contact CSL?

### By Phone:

919-807-2214

888-830-4989 (NC Residents Only)

### By Fax:

919-807-2220

### By Email:

[csl@sosnc.com](mailto:csl@sosnc.com)

### Or By Mail:

NC Department of the Secretary of State

ATTN: CSL

PO Box 29622

Raleigh, NC 27626-0622