

# Questions about the Attorney General's Oversight of Charitable Funds

**Many nonprofit organization are in compliance with the IRS, but not with the state of Massachusetts. I would strongly advise all nonprofit profits to check there current status at the states website. (I have provided a link on my site) I have found that about 40% of the time the organization is not in full compliance with the state. If you have any questions, or need help finding the information, please feel free to call or email me @ (508) 525-6522 or mikep494@gmail.com. Best Wishes, Michael Gleason**

## **Q: What kinds of organizations are public charities? And where is charity defined?**

A: First, the terms “charity” and “public charity” are interchangeable for the purposes of the Attorney General’s Office (AGO) definition. There is no statutory definition of a charity; the term is defined by case law. Generally, charities share the following characteristics:

- They are nonprofit organizations and have a purpose which is primarily charitable and they benefit an indefinite class or number of people.
- They are exempt under IRS Code 501(c)(3). Examples of charities are nonprofit schools and hospitals, museums, scholarship foundations, social service and youth sports organizations.
- Organization such as a union, membership group, or club is also considered a charitable organization under the law if it employs a charitable appeal in its solicitations from the public.

If an organization disagrees with the Non-Profit Organizations/Public Charities Division's determination that the organization does or does not constitute a charity, it may request a re-determination of status in a letter to the director which states and supports the reasons for the request.

## **Q: What are the filing requirements for a charitable organization with AGO?**

A: If the organization intends to solicit funds from the public, it must first obtain a “Certificate for Solicitation” from the AGO, unless exempted from this requirement by statute (see Soliciting Funds). Other state agencies and federal agencies such as the IRS may require additional filings from charitable organizations.

See Professional Solicitor or Fundraiser for detailed information on these requirements.

## **Q: Are any charitable organizations exempt from the filing requirements?**

A: Two categories of charitable organizations are exempt from registering and filing with the AGO:

1. Religious organizations; and
2. the Red Cross and certain veterans’ organizations listed in M.G.L. c. 12, s. 8E.

## **Q: Do police and fire groups have to register with the AGO’s Non-Profit Organizations/Public Charities Division?**

A: Fraternal organizations, such as police and fire associations and unions, are generally not considered public charities and thus do not have to register and file annually with the Division. However, if fraternal

organizations conduct fundraising activities which include a charitable purpose, they must then register and file annual financial reports with the Division. See Soliciting Funds for more information.

**Q: Can the public view and copy the annual filings submitted by charities to the Division?**

A: Yes, annual filings are available online at [www.mass.gov/ago/charitiesreports](http://www.mass.gov/ago/charitiesreports), ( I Have placed the online link on the web site.) Copies of annual filings may also be obtained by submitting a request to the Non-Profit Organizations/Public Charities Division by (i) mail at One Ashburton Place, 18th Floor, Boston, Massachusetts, 02108, (ii) email at [charities@state.ma.us](mailto:charities@state.ma.us), or (iii) phone at (617) 727-2200, ext. 2101. Please note, however, that persons requesting copies from the Division will be required to pay a fee of \$0.25 per page so members of the public are strongly encouraged to use online access.

**Q: Where can I find financial information for nonprofit organizations which are not required to file with the Non-Profit Organizations/Public Charities Division?**

A: The federal Form 990s or Form 990EZs that tax-exempt nonprofits that are not charities file with the IRS are available online at [Guidestar.org](http://Guidestar.org), or can be requested from the IRS's Brookhaven Service Center at:  
Brookhaven Service Center  
P.O. Box 400  
Holtsville, NY 11742  
(516) 654-6766

A: The AGO can only tell you if a particular charity has registered with the office and is in compliance with its legal reporting requirements in Massachusetts. Registration does not imply any endorsement by the Attorney General's Office. However, it does provide a mechanism by which the charity must account to the public for the receipt and use of its funds. You may come to the office and look at the registered charity's annual filings to decide for yourself.

Please contact the Division, in writing, at the address below, to report any suspicious or misleading fundraising activities. Please keep in mind that you are not obligated to contribute to any organization, even if you have previously indicated you would do so.

**Q: If I have a complaint about a charity, what should I do?**

A: If you have concerns about issues such as possible fraudulent activities, misleading fundraising solicitations, or the misuse of charitable funds, and wish to make a complaint, please visit the AGO website explaining the Oversight and Enforcement Role with Charitable Funds and fundraising ( MDOR website)