



Repeal

FORM PL-1: INITIAL REGISTRATION FOR CHARITABLE FUNDRAISING PLATFORMS

California Government Code section 12599.9
California Code of Regulations, title 11, section 315

MAIL TO:
Office of the Attorney General
Registry of Charitable Trusts
P.O. Box 903447
Sacramento, CA 94203-4470

STREET ADDRESS:
1300 I Street
Sacramento, CA 95814
(916) 210-7613

WEBSITE ADDRESS:
oag.ca.gov/charities

A CHECK IN THE AMOUNT OF \$625
PAYABLE TO DEPARTMENT OF JUSTICE
MUST ACCOMPANY THIS FORM

(For Registry Use Only)

Part A. Contact Information

1. Official name of applicant charitable fundraising platform (full legal name, e.g., exact name where legally formed)

2. Doing business as name(s) (used during the current or prior year)

3. Official address (principal executive office, do not use P.O. Box)

City or Town, State and Zip Code

4. Mailing address (if different from official address)

City or Town, State and Zip Code

5. Website address (principal executive office)

6. E-mail address (principal executive office)

7. Telephone number (principal executive office)

8. Federal employer identification number (FEIN)

9. Contact person name and title (for Registry inquiries, does not have to be person who signs form)

10. Contact person e-mail address

11. Contact person telephone number

Part B. Registration Information

1. Legal form of applicant charitable fundraising platform:

☐ For-profit corporation (including for-profit social purpose or benefit corporations)

☐ Charitable or nonprofit corporation

☐ Limited liability company

☐ Partnership, limited partnerships, or limited liability partnership

☐ Sole proprietorship

☐ Other (specify _____)

2. Jurisdiction in which legally formed (e.g., state, foreign country): _____

3. Jurisdiction entity identification number (assigned by the jurisdiction): _____

4. If also registered as a charitable corporation or trustee, registration number as a charitable corporation or trustee: _____

5. Specify the type(s) of charitable fundraising platform that the applicant anticipates to function as. Check all that apply.

☐ Commercial charitable fundraising platform

☐ Peer-to-peer charitable fundraising platform

☐ Marketing charitable fundraising platform

☐ Coventuring charitable fundraising platform

☐ Consulting charitable fundraising platform

6. If commercial, peer-to-peer, marketing, or coventuring charitable fundraising platform is selected in response to 5, what platforms or other internet-based user interfaces are anticipated to be used to perform, permit, or enable solicitations? Check all that apply and provide the supplemental information on Attachment 1.

☐ Website(s) (specify address of home or landing web page for each domain name)

☐ Mobile device application(s) (specify name(s) for each application)

☐ Computer software application(s) (specify name(s) for each application)

☐ Other (describe the platform(s) and how platform users would access and use the platform)

☐ N/A

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7. Has the applicant partnered with other charitable fundraising platform(s) to facilitate solicitations on the other platform(s) ("partnering platforms")? This includes the applicant receiving, holding, or controlling donations to be made on or through the partnering platform and to be sent to recipient charitable organizations listed or referenced by name on the partnering platform, or the applicant sending donations to recipient charitable organizations based on purchases to be made or other activity to be performed by persons who use the partnering platform. If "Yes," provide in Attachment 1 the following information for each partnering platform: whether the partnership agreement is memorialized in a written contract, the effective date of each partnership agreement, the official name of each partnering platform, the registration number of each partnering platform, and the anticipated charitable fundraising platform type(s) of each partnering platform (i.e., commercial, peer-to-peer, marketing, and/or coventuring charitable fundraising platform).

☐ Yes, and answer specified in Attachment 1 ☐ No

8. Has the applicant partnered with a platform charity or another charitable fundraising platform ("partner"), under which the partner will assist the applicant in performing, permitting, or otherwise enabling solicitations on the applicant's charitable fundraising platform? This includes the partner receiving, holding, or controlling donations to be made on or through the applicant's platform and to be sent to recipient charitable organizations listed or referenced by name on the applicant's platform, or the partner sending donations to recipient charitable organizations based on purchases to be made or other activity to be performed by persons who use the applicant's platform. If "Yes," provide in Attachment 1 the following information for each partner: whether the partner is a platform charity or another charitable fundraising platform, whether the partnership agreement is memorialized in a written contract, the effective date of each partnership agreement, the official name of each partner, and the registration number of each partner.

☐ Yes, and answer specified in Attachment 1 ☐ No

9. Has the applicant been the subject of a government enforcement action? Answer "Yes" if the any of the following apply:

- a. The applicant had a license, registration, or permit denied, cancelled, suspended or revoked, was assessed a fine or penalty, or had any official disciplinary or legal action taken against it by a government agency involving charitable fundraising or the use of charitable funds; or
- b. The applicant is the subject of a pending government enforcement action involving charitable fundraising or the use of charitable funds.

If "Yes," provide in Attachment 1 the name and website address of the government agency that brought each action, an explanation of each action and the status or resolution, the date each action was taken, and the date of resolution, if any. Provide a copy of the document initiating each action, the resolution, and any other document needed to understand each action or current status.

☐ Yes, and answer specified in Attachment 1 ☐ No

Part C. Signature

I certify under penalty of perjury that I have examined this form, including accompanying information, and to the best of my knowledge and belief, the content is true, correct, and complete, and I am authorized to sign this form.

Signature of Authorized Agent

Name

Date

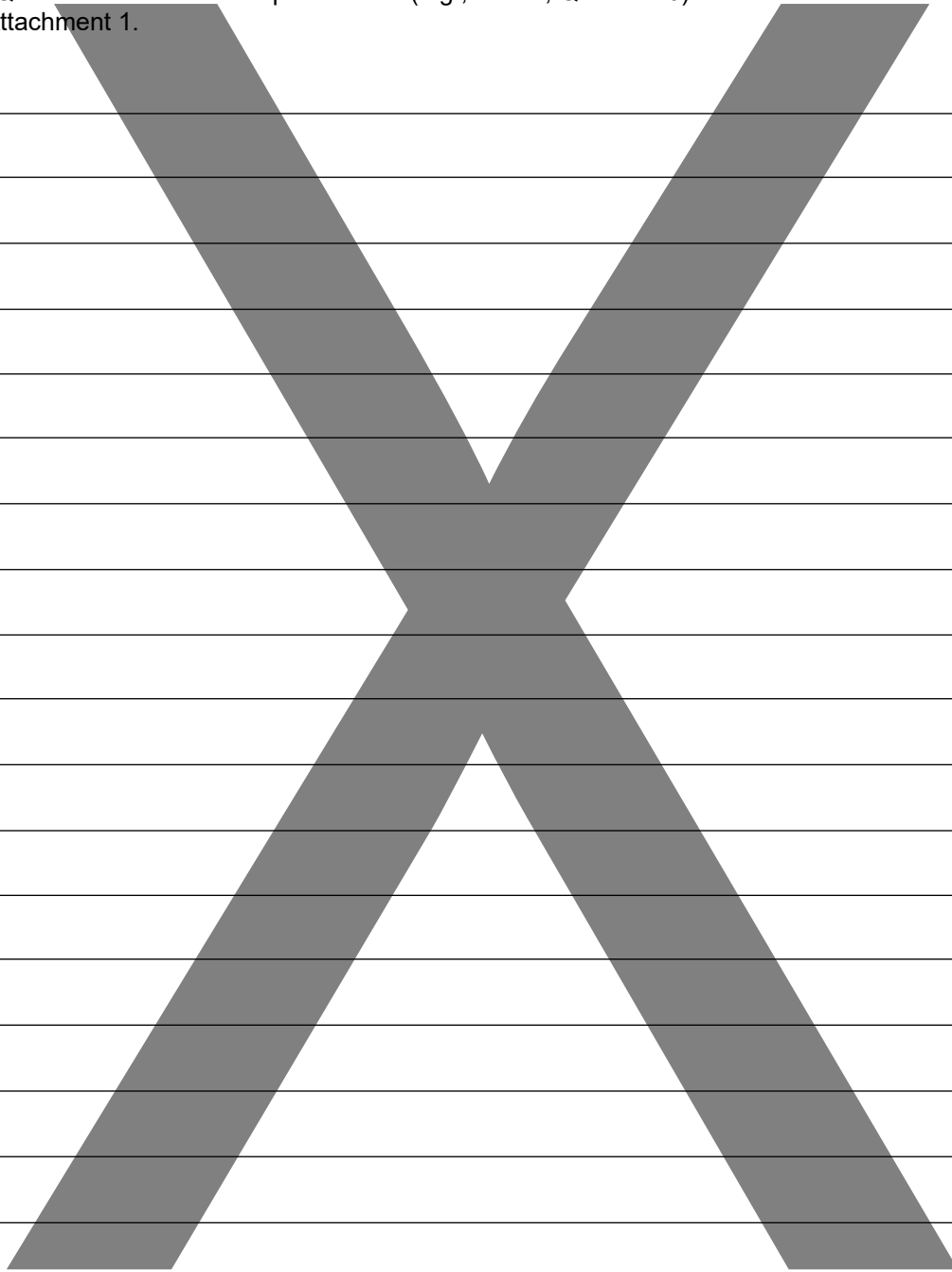
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Form PL-1 Attachment 1



Official name of applicant charitable fundraising platform: _____

Complete to provide narrative answers for specific questions on Form PL-1, when the questions permit use of Attachment 1. Specify the Part and Question number the response is for (e.g., Part B, Question 6). If additional sheets are needed, attach additional copies of Attachment 1.



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Office of the Attorney General

Registry of Charitable Trusts

Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information. The Attorney General's Registry of Charitable Trusts (Registry), a part of the Public Rights Division, collects the information requested on this form as authorized by the Supervision of Trustees and Fundraisers for Charitable Purposes Act (Gov. Code § 12580 et seq.) and regulations adopted pursuant to the Act (Cal. Code Regs., tit. 11, § 300 et seq.). The Registry uses the information in the administration and enforcement of the Act, including to register, renew, or update your organization's registration or to prepare reports pursuant to the Act. The Attorney General may also use the information for additional purposes, including in support of investigations and law enforcement actions, providing public access to information as required by the Act (Gov. Code §§ 12587, 12587.1, 12590), and making referrals to other law enforcement agencies. Any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at www.oag.ca.gov/privacy-policy.

Providing Personal Information. All the personal information requested in the form must be provided. An incomplete submission may result in the Registry not accepting the form, and cause your organization to be out of compliance with legal requirements to operate in California.

Access to Your Information. The completed form is a public filing that will be made available on the Attorney General's website at www.oag.ca.gov/charities pursuant to the public access requirements of the Act. You may review the records maintained by the Registry that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. In order to process the applicable registration, renewal, registration update, application, or report, we may need to share the information on this form with other government agencies. We may also share the information to further an investigation, including an investigation by other government or law enforcement agencies. In addition, the information is available and searchable on the Attorney General's website.

The information provided may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- To another government agency consistent with state or federal law.

Contact Information. For questions about this notice or access to your records, contact the Registrar of Charitable Trusts, 1300 I Street, Sacramento, CA 95814 at rct@doj.ca.gov or (916) 210-6400.

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INSTRUCTIONS FOR INITIAL REGISTRATION FOR CHARTIABLE FUNDRAISING PLATFORMS (FORM PL-1)



Who must file a Form PL-1?

Every charitable fundraising platform must register with the Attorney General's Registry of Charitable Trusts before performing, permitting, or otherwise enabling any online acts of solicitation for charitable purposes in California. Acts of solicitation include solicitations performed as a commercial, consulting, coventuring, marketing, or peer-to-peer charitable fundraising platform. For instance, registration is required for a commercial charitable fundraising platform that solicits donations from its platform users in California, with donations intended for recipient charitable organizations referenced on the platform. Other examples include: a peer-to-peer charitable fundraising platform that permits platform users to solicit donations from other platform users intended for recipient charitable organizations, a marketing or coventuring charitable fundraising platform that markets or promotes that donations will be made to recipient charitable organizations based on platform user purchases or other activity, and consulting charitable fundraising platforms that provide their fundraising platform software to charitable organizations, who can then solicit or receive donations through the platform. See Government Code section 12599.9, subdivision (a)(1), and California Code of Regulations, title 11, section 314, subdivisions (a) to (e), for complete definitions.

Filing a complete Form PL-1 with the Registry of Charitable Trusts starts the registration process, and results in a registration number being assigned by the Registry of Charitable Trusts to each registered charitable fundraising platform.

When must a Form PL-1 be filed?

Every charitable fundraising platform must submit a Form PL-1, and receive a registration number, before performing, permitting, or otherwise enabling solicitations for charitable purposes in California. For instance, a charitable fundraising platform that solicits donations from its platform users in California for recipient charitable organizations listed on the platform, cannot do so without first filing a Form PL-1 and being assigned a registration number. If registration occurs after a charitable fundraising platform performs, permits, or otherwise enables solicitations for charitable purposes in California, the charitable fundraising platform is in violation of Government Code section 12599.9, subdivision (b).

Are exclusions available so that a Form PL-1 need not be filed?

See Government Code section 12599.9, subdivision (a)(2), for the exclusions. A person or entity excluded from the definition of a charitable fundraising platform is not a charitable fundraising platform and should not file a Form PL-1.

For example, a person or entity is excluded from being considered a charitable fundraising platform when the entity is only deemed a commercial fundraiser for charitable purposes because the entity, for compensation, also performs solicitations via telephone or direct mail (excluding electronic mail or messages), solicits donations through in-person fundraising events, solicits noncash donations, solicits through print, radio, or television on more than a non-incidental basis, or performs solicitations involving a chance to win something of value. In these instances, the person or entity must register as a commercial fundraiser for charitable purposes (if not already registered as such), and comply with other requirements applicable to a commercial fundraiser for charitable purposes.

Another example would be an entity that is only deemed a commercial coventurer because it complies with Government Code section 12599.2, subdivision (b), and, in the context of a charitable fundraising platform, solely functions as a coventuring charitable fundraising platform for six or less recipient charitable organizations in a calendar year. When this exclusion applies, the entity is a commercial coventurer instead of a charitable fundraising platform, and is exempt from registration and reporting. However, if an entity solicits for more than six recipient charitable organizations in a calendar year as a coventuring charitable fundraising platform, solicits for six or less recipient charitable organizations and does not fully comply with Government Code section 12599.2, subdivision (b), or is another type of charitable fundraising platform (like a commercial charitable fundraising platform), then the entity is a charitable fundraising platform, and must register as a charitable fundraising platform and file a Form PL-1. When in doubt as to whether the entity is a commercial coventurer or charitable fundraising platform, the entity should register as a charitable fundraising platform using Form PL-1.

General Instructions

A \$625 fee must be paid via check, made payable to the Department of Justice. A Form PL-1 not accompanied by full payment will be returned, and not processed.



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Instructions for each question are specified with the question. For the terms defined below, they have the meaning reflected in the below definitions.

Use Attachment 1 to provide narrative answers to questions that specifically permit use of Attachment 1. If more than one page is needed for the answers, make copies of Attachment 1 as needed. When providing narrative answers to questions, do not incorporate by reference any documents or hyperlinks (unless specifically instructed to provide hyperlinks). Narrative answers must include all information required by a question.

Mail the completed and signed Form PL-1 for filing to Office of the Attorney General, Registry of Charitable Trusts, P.O. Box 903447, Sacramento, CA 94203-4470. Include a \$625 check payable to the Department of Justice. Also, submit Attachment 1, and any requested documents, when applicable.

Definitions for Form PL-1

“Charitable fundraising platform” means any person or entity that uses the internet to provide a website, service, or other platform to persons in California, and performs, permits, or otherwise enables acts of solicitation to occur. Acts of solicitation include solicitations performed as a commercial, consulting, coventuring, marketing, or peer-to-peer charitable fundraising platform. See Government Code section 12599.9, subdivision (a)(1), and California Code of Regulations, title 11, section 314, subdivisions (a), (c), (d), (g), and (i), for complete definitions.

“Commercial charitable fundraising platform” means a charitable fundraising platform that lists or references by name recipient charitable organizations to receive donations made by persons who use the platform. See Government Code section 12599.9, subdivision (a)(1)(A), and California Code of Regulations, title 11, section 314, subdivision (a), for complete definition.

“Consulting charitable fundraising platform” means a charitable fundraising platform that provides a customizable version of its fundraising platform to charitable organizations, who solicit or receive donations through the platform. See Government Code section 12599.9, subdivision (a)(1)(E), and California Code of Regulations, title 11, section 314, subdivision (c), for complete definition.

“Coventuring charitable fundraising platform” means a charitable fundraising platform that lists or reference by name recipient charitable organizations to receive donations made by the platform based on purchases made or other activity performed by persons who use the platform. See Government Code section 12599.9, subdivision (a)(1)(D), and California Code of Regulations, title 11, section 314, subdivision (d), for complete definition.

“Donation” means a donation or recommended donation, when a donation is made by a donor. When a donation is sent to a recipient charitable organization or other charitable organization, “donation” means a donation or grant of a recommended donation.

“Marketing charitable fundraising platform” means a charitable fundraising platform that permits persons who use the platform to select recipient charitable organizations to receive donations made by the platform or others, based on purchases made or other activity performed by platform users. See Government Code section 12599.9, subdivision (a)(1)(C), and California Code of Regulations, title 11, section 314, subdivision (g), for complete definition.

“Peer-to-peer charitable fundraising platform” means a charitable fundraising platform that permits persons who use the platform to solicit donations for recipient charitable organizations made by other platform users. See Government Code section 12599.9, subdivision (a)(1)(B), and California Code of Regulations, title 11, section 314, subdivision (i), for complete definition.

“Platform charity” means a charitable corporation or trustee that facilitates acts of solicitation on a charitable fundraising platform, including by soliciting donations for itself through the platform with the implied or express representation that the platform charity may grant donations to recipient charitable organizations, or granting funds to recipient charitable organizations based on purchases made or other activity performed by persons who use the platform. See Government Code section 12599.9, subdivision (a)(5) for complete definition. A platform that meets the definition of both a platform charity and charitable fundraising platform is deemed a charitable fundraising platform. See Government Code section 12599.9, subdivision (b)(1).

“Platform user” means a person who uses a charitable fundraising platform.

“Recipient charitable organization” means a charitable corporation or trustee that is listed or referenced by name on a charitable fundraising platform for solicitation purposes. See Government Code section 12599.9, subdivision (a)(7), for complete definition.

For Additional Information

Additional information is available on the Attorney General’s website at oag.ca.gov/charities. You may also contact the Attorney General’s Registry of Charitable Trusts at (916) 210-7613 or PF@doj.ca.gov.