



May 8, 2015

The Honorable Wayne Williams,
Colorado Secretary of State
1700 Broadway Street, Suite 250
Denver, CO 80290-1705

Dear Secretary Williams:

Colorado Nonprofit Association is pleased to have the opportunity to comment on updates to 8 CCR 1505-09, Rules for the Administration of the Colorado Charitable Solicitations Act (CCSA). We are grateful for ongoing opportunities to work with the Colorado's Secretary of State's office to make CCSA work effectively without being unduly burdensome for Colorado's nonprofit organizations. Our comments are as follows:

Rule 1 – Definitions: The terms “suspension” and “revocation” as used in CCSA aren't defined in statute or rules. We recommend defining these terms in rules to help charities understand these statuses and their consequences.

Rule 3- Expedited Hearing Deadlines: We recommend changing the title of the rule to “Expedited Hearing Deadlines for Denial, Suspension, or Revocation of Registration.” The proposed rules eliminate 3.1 as duplicative of statute but a reader may not understand the purpose of expedited hearings without also looking at 6-16-111 (6)(b).

Rule 5 - Filing Deadlines and Extension of Filing Deadlines: HB 14-1206 replaces use of the phrase “late fee” with “fine.” We appreciate that these rules also make this change. It appears that 5.6 should also be changed.

Rule 6- Fines: Although much of rule 6 duplicates the statute, the rules will be easier for charities to understand if some of the language of 6.1 is retained:

- The law requires that the Secretary provide at least two notices before a fine is assessed. By keeping this language in Rule 6, charities will be reminded to respond quickly to these notices to avoid fines. Also, a charity may be less likely to contest a fine if it knows the Secretary has already provided two notices.
- The rule should indicate that a charity is liable for fines 7 days following issuance of the final notice (6-16-114).
- Rule 6.1.1 states that a \$60 fine applies to an overdue report. Because current rule 6.1 is eliminated, a charity may not be sure which reports are referenced in 6.1.1. Therefore, 6.1.1 should be amended to say “OVERDUE REPORT MEANS FAILING TO PROPERLY RENEW OR UPDATE A REGISTRATION.”
- 6.1 should retain the statutory reference to fines in 6-16-114.
- Repealing 6.1.3 and 6.1.4 should help streamline the language and avoid confusion.

Rule 9- Reinstating a suspended or withdrawn registration: *9.3.1 (a) would be clearer if it said “cure the deficiency FOR WHICH IT WAS SUSPENDED”* or “... BY RETROACTIVELY RENEWING ITS REGISTRATION.”

Thanks for the opportunity to submit comments on these rules. We have encouraged nonprofits to submit comments too if they are so inclined.

Sincerely,

A handwritten signature in black ink that reads "Renny Fagan".

Renny Fagan,
President and CEO