

STATE OF NEW MEXICO  
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS  
ATTORNEY GENERAL

---

State of New Mexico Professional Fundraiser Form

1. Organizational contact information:

Name of Professional Fundraiser: \_\_\_\_\_

Contact Person and Phone: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_ WWW address: \_\_\_\_\_

2. Name(s) under which business is conducted: \_\_\_\_\_

3. Name, title, residence, and business addresses of all officers, partners, agents, servants, employees, directors and independent contractors:

<u>Name</u>	<u>Title</u>	<u>Residence Address</u>	<u>Business Address</u>

4. Individuals or officers of the organization who will have custody of the contributions (name title, address, street, city and state).

\_\_\_\_\_

\_\_\_\_\_

5. Individuals or officers of the organization who are responsible for the distribution thereof: (name title, address, street, city and state).

---

---

6. Period of time during which the fundraising is to be conducted (month, day and year):

---

---

7. Description of the method(s) of fundraising:

---

---

---

---

8. Location and telephone numbers from where fundraising is conducted:

---

---

---

9. Compensation and authority of the professional fundraiser including percentage going to the charity:

---

---

10. Name and email of primary contact: \_\_\_\_\_

11. Contact information for organization completing this form (if different from the fundraising organization itself).

Name of Organization: \_\_\_\_\_

Address/Phone: \_\_\_\_\_

Primary Contact Person: \_\_\_\_\_

Please check here if this is to be used as the mailing address.

**ATTACHMENTS:**

The following information MUST accompany this registration form:

- A surety bond pursuant to the Charitable Solicitations Act in the amount of \$25,000.
- Copies of the solicitation literature, including scripts of any written or verbal solicitation.
- A copy of the intended contract between the professional fundraiser and the charitable organization.
- If located out-of-state, a CONSENT TO SERVICE OF PROCESS must be attached.

**INSTRUCTIONS:**

- This form must be completed before entering into a contract with any charitable organization, except a religious organization or educational institution, to solicit for or on its behalf.
- Be sure all information requested is complete and that you have filled in all the blanks. If there is not enough space, attachments will be accepted.
- If the information changes or additional charities are added, the information MUST be forwarded to the Registrar of Charitable Organizations to stay in compliance with the New Mexico Charitable Solicitations Act.
- A professional fundraiser who fails to register with the Attorney General may be assessed a late registration fee of five hundred dollars (\$500.00).
- If you have any questions or are not sure if you need to register, please contact the Charitable Organization's office at 505-222-9046 or [Charity.Registrar@nmag.gov](mailto:Charity.Registrar@nmag.gov).
- Mail completed application to: Office of the Attorney General  
ATTN: Registry of Charitable Organizations  
111 Lomas Blvd. NW, Suite 300  
Albuquerque, NM 87102

**CERTIFICATION AND AFFIDAVIT**

STATE OF NEW MEXICO )  
 ) SS  
 COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, deposes and says that he/she  
 (Name of Officer)

is \_\_\_\_\_ of \_\_\_\_\_  
 (Title) (Name of Organization)

the professional fund-raising counsel named in the foregoing statement, and that the information provided made in the statement is true and correct to the best of his/her knowledge and belief

\_\_\_\_\_  
 (Signature)

Subscribed and sworn to before me this  
 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Notary Public, State of: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

STATE OF NEW MEXICO  
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS  
ATTORNEY GENERAL

---

**Charitable Solicitations Act for Professional Fundraisers**

This document has been prepared to provide information to people and organizations requesting information on how to comply with the regulations surrounding professional fundraisers operating in New Mexico. **It is important to review the Charitable Solicitations Act or consult an attorney prior to soliciting in New Mexico.** While the Office of the Attorney General is not authorized to provide legal advice to private individuals or organizations, the following information may be helpful.

A charitable organization means any entity that has been granted exemption from the federal income tax by the United States commissioner of the Internal Revenue as an organization described in Section 501(c) 3 of the Internal Revenue Code of 1986.

Contribution means the promise, grant or pledge of any money, credit or property of any kind or value provided to a charitable organization in response to a solicitation, but does not include program service revenue or bona fide membership fees, dues or assessments.

Solicit or Solicitation means any communication requesting a contribution or offering an opportunity to participate in a game of chance, raffle or similar event with the representation that the contribution or participation will support a charitable purpose. This includes any verbal request made in person or by telephone, radio, television, electronic communication or other media, and any written or published request mailed, sent, delivered, circulated, distributed, posted in a public place, advertised or communicated through any medium to the public.

Professional fundraiser means a person that solicits or employs or directs others to solicit contributions from the public on behalf of a charitable organization in exchange for compensation and has custody or control of the contributions; provided that "professional fundraiser" does not include a director, officer, bona fide employee or salaried officer, volunteer, attorney, accountant or investment counselor of a charitable organization. Professional fundraisers **MUST REGISTER** in the State of New Mexico.

Professional fundraising counsel means a person that provides services or employs or directs others to provide services for compensation to a charitable organization in the solicitation of contributions, including managing or preparing materials to be used in conjunction with any solicitation. Professional fundraising counsel does not directly

solicit contributions or have access or control of any funds. Professional fundraising counsel DOES NOT register in the State of New Mexico.

A professional fundraiser shall register with the New Mexico Office of the Attorney General before entering into a contract with any charitable organization, except a religious organization or educational institution, to solicit for or on its behalf.

A contribution is not required for a solicitation to have occurred.

What to include in the registration packet:

- A registration form provided by the Attorney General.
- Copies of the solicitation literature, including scripts of any written or verbal solicitation.
- A surety bond in the amount of twenty five thousand (\$25,000) on a form provided by the Attorney General.
- A copy of the intended written contract between the professional fundraiser and the charitable organization on whose behalf the professional fundraiser intends to conduct a solicitation campaign.
- The contract and solicitation materials filed with the Attorney General must be certified by the charitable organization on whose behalf the professional fundraiser is acting.
- If there is no registered agent in the State of New Mexico, the professional fundraiser shall file consent to service of process.
- If the terms of the contract change or additional contracts develop, the professional fundraiser must complete a new registration packet to provide the additional information.

Within ten business days after receiving a registration, the Attorney General shall notify the professional fundraiser of any deficiencies in the registration or contract of bond. Otherwise the professional fundraiser is considered registered. A letter certifying your registration will be sent. **This is not, in any way, an endorsement or approval by the Attorney General or any governmental agency or office.**

A professional fundraiser who fails to register with the Attorney General may be assessed a late registration fee of five hundred dollars (\$500.00).

**Professional fundraisers are responsible for complying with the Charitable Solicitations Act.**

If you would like a copy of the Act, please go to:

<http://www.nmag.gov/charitable-solicitations-act.aspx>

Office of the Attorney General  
ATTN: Registry of Charitable Organizations  
111 Lomas Blvd. NW, Suite 300  
Albuquerque, NM 87102  
(505) 222-9046 Phone  
(505) 222-9086 Fax  
[Charity.Registrar@nmag.gov](mailto:Charity.Registrar@nmag.gov)

STATE OF NEW MEXICO  
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS  
ATTORNEY GENERAL

---

**PROFESSIONAL FUNDRAISER BOND**

BE IT KNOWN, That the applicant for registration,

\_\_\_\_\_  
**NAME OF APPLICANT**

a/an \_\_\_\_\_  
INDIVIDUAL, ASSOCIATION, PARTNERSHIP OR CORPORATION

with business located at \_\_\_\_\_  
STREET MUNICIPALITY

\_\_\_\_\_  
COUNTY STATE ZIP CODE

as PRINCIPAL, and \_\_\_\_\_  
**NAME OF SURETY COMPANY**

with principal office located at \_\_\_\_\_  
STREET

\_\_\_\_\_  
MUNICIPALITY COUNTY STATE ZIP CODE

as SURETY, are held and firmly bound unto the State of New Mexico for the use of the Attorney General and any person having a cause of action against the principal as defined in the New Mexico Charitable Solicitation Act. §57-22-6.2, in the sum of Twenty-five Thousand Dollars (\$25,000), lawful money of the United States of America, to be paid to the said State, its certain attorney or assigns, to which payment well and truly to be made, we do hereby bind ourselves, jointly and severally, our heirs, executors, administrators, successors and assigns firmly by these presents.

BECOMES EFFECTIVE this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_  
EXPIRES one year from date.

**WHEREAS, the above bounded Principal desires to operate as a Professional Fundraiser under the provisions of the New Mexico Charitable Solicitations Act, § 57-22 *et seq.*, and the rules and regulations adopted pursuant thereto;**

**NOW THEREFORE, the condition of this obligation is such that if upon and after the issuance of such registration the above bounded Principal shall fully and faithfully observe the provisions of all the laws of this State and the rules and regulations promulgated by the Registrar of Charitable Organizations, State of New Mexico, as a Professional Fundraiser, then this obligation shall be void; otherwise, it shall remain in full force, virtue and effect.**

**And the obligors, jointly and severally, for themselves, their heirs, executors, administrators, successors and assigns, do agree with the State of New Mexico that upon violation of any provisions of the said Charitable Solicitations Act § 57-22 *et seq.*, and the rules and regulations promulgated by the Registrar of Charitable Organizations, said Bond up to the full amount shall be due and payable.**

---

**SIGNATURE OF PRINCIPAL OFFICER  
FOR PROFESSIONAL SOLICITOR/CHARITY**

---

**TYPE OR PRINT NAME AND TITLE OF  
PRINCIPAL OFFICER FOR PROFESSIONAL  
SOLICITOR/CHARITY**

---

**SIGNATURE OF ATTORNEY-IN-FACT  
FOR SURETY COMPANY**

---

**TYPE OR PRINT NAME OF ATTORNEY-IN-FACT  
FOR SURETY COMPANY**

**(Certified Copy of Power-of-Attorney nominating, constituting and appointing said Attorney-in-Fact for said Surety Company must be attached hereto. Date of certification and date of execution of Bond must agree).**

STATE OF NEW MEXICO  
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS  
ATTORNEY GENERAL

**IRREVOCABLE CONSENT TO SERVICE OF PROCESS**

I, the undersigned individual, \_\_\_\_\_, being a non-resident  
Applicant's Name

applicant for New Mexico Charitable Registration, do hereby irrevocably consent, stipulate, and agree that suits and actions may be commenced against me in the proper court in which a cause of action may arise, or in which the plaintiff may reside, by the service of any process or pleading, and that such service of process or pleadings on the Attorney General shall be taken and held in all courts to be as valid and binding as if the service had been duly made upon me according to the laws of this or any other state.

Signed at \_\_\_\_\_ on the \_\_\_\_\_ day of  
City and State Date

\_\_\_\_\_,  
Month Year

The applicant, \_\_\_\_\_ personally appeared before the  
Applicant's Name

undersigned notary public in and for the below named county and state, on the day above named, and being first duly sworn, acknowledged the execution of the foregoing instrument to be a voluntary act for the purposes therein set forth.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Notary Public in and for the

County of \_\_\_\_\_

State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Notary Seal: