



# State of New Mexico Professional Fundraiser Registration Application

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## Instructions

- This application must be completed before entering into a contract with any charitable organization that is required to register with the Attorney General, to solicit for or on its behalf.
  - Be sure all information requested is complete and that you have filled in all the blanks; incomplete applications will be returned. If there is not enough space on the application, attachments will be accepted.
  - If the information submitted in this application changes in the future, the updated information **must** be forwarded to the Registrar of Charitable Organizations to stay in compliance with the New Mexico Charitable Solicitations Act.
  - If the surety bond expires, the professional fundraiser is responsible for promptly emailing the new bond to the New Mexico Department of Justice (NMDOJ).
  - 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 NMDOJ at (505) 490-4060 or [charity.registrar@nmdoj.gov](mailto:charity.registrar@nmdoj.gov).
  - Email the completed application, with attachments, to: [charity.registrar@nmdoj.gov](mailto:charity.registrar@nmdoj.gov). Older versions of this application will not be accepted.
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## Attachments

The following attachments **must** accompany this application:

- A surety bond in the amount of \$25,000.
  - A copy of the intended contract between the professional fundraiser and the charitable organization, which must clearly describe, at a minimum, the compensation and authority of the professional fundraiser, details of the solicitation campaign, location and telephone numbers where solicitations are intended to be conducted from, a list of names and addresses of all employees, agents, or other persons who are to solicit during the campaign, and copies of the solicitation literature, including scripts of any written or verbal solicitation.
  - If the applicant is located out-of-state and the professional fundraiser does not maintain a registered agent in New Mexico whose name is disclosed to the NMDOJ, a [Consent to Service of Process](#) must be attached.
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## 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 New Mexico Department of Justice 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 do not directly solicit contributions or have access to or control of any funds. Professional fundraising counsel **do not** register in the State of New Mexico.

A professional fundraiser shall register with the New Mexico Department of Justice before entering into a contract with any charitable organization that is required to register with the Attorney General, to solicit for or on its behalf.

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

**According to New Mexico law, a professional fundraiser shall not:**

- A. engage in deceptive fundraising practices, meaning any false or misleading verbal or written statement, description or representation of any kind knowingly made in connection with a solicitation and that may, tends to or does deceive or mislead any person and includes:
  - (1) using the name or likeness of any person in solicitation literature without the express written consent of the person; provided that publication of previous contributors' names to acknowledge their contributions shall not require their express written consent;
  - (2) using a name, symbol or statement that is so closely related or similar to that used by another charitable organization or governmental agency that the use would tend to confuse or mislead the public; and
  - (3) misrepresenting, confusing or misleading any person to reasonably believe incorrectly that the contributions being solicited are or will be used for purposes, persons or programs in the state; or
- B. collect or attempt to collect a contribution in person or by courier unless:
  - (4) the solicitation and collection or attempt to collect occur contemporaneously; or
  - (5) the solicitation includes the sale of goods or items and the collection or attempt to collect occurs contemporaneously with the delivery of the goods or items agreed to be purchased by the contributor.

NMSA 1978 § 57-22-6.3

**Under New Mexico law, a professional fundraiser must:**

- A. At least every six months, the professional fundraiser shall account in writing to the charitable organization for all contributions received and all expenses incurred under their contract. The charitable organization shall maintain a copy of the accounting of contributions and expenses for three years and make it available to the attorney general upon request.
- B. All contributions of money received by the professional fundraiser shall be deposited in an account at a federally insured financial institution within two days after receipt. The account shall be established and maintained in the name of the charitable organization. Disbursements from the account shall be made upon warrants signed by an authorized representative of the charitable organization and may also be signed by the professional fundraiser.
- C. The professional fundraiser shall include the following information in its accounting required by Subsection A of this section to the charitable organization:
  - (1) the name and address of each person contributing to the charitable organization and the date and amount of the contribution. This information shall not be publicly disclosed and shall be used only for law enforcement purposes;
  - (2) the name and residence address of each employee, agent or other person involved in the solicitation;
  - (3) the script or other instructional information provided by the charitable organization or professional fundraiser to employees, agents or other persons conducting solicitations;

- (4) a record of expenses incurred by the professional fundraiser that the charitable organization paid; and
  - (5) the name and address of each financial institution and the account number of each account in which the professional fundraiser deposited contributions received from the solicitation.
- D. The professional fundraiser and the employees of the professional fundraiser shall disclose the following in solicitations:
- (1) the name of the charitable organization; and
  - (2) the fact that the solicitation is made by or through a professional fundraiser.

NMSA1978 § 57-22-6.4

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## Professional Fundraiser Organization Information

### 1. General Contact Information

Name of Professional Fundraiser Firm \_\_\_\_\_

Contact Person Name \_\_\_\_\_

Contact Person Phone \_\_\_\_\_

Contact Person Email \_\_\_\_\_

Organization Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Fax \_\_\_\_\_ Website \_\_\_\_\_

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

\_\_\_\_\_

### 3. FEIN (federal employer identification number):

\_\_\_\_\_

### 4. Name, title, residence, and business addresses of all officers, partners, agents, servants, employees, directors and independent contractors. See table on following page. If additional entries are required, please attach another page.



Name \_\_\_\_\_ Title \_\_\_\_\_

Residence Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_

Business Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_



Name \_\_\_\_\_ Title \_\_\_\_\_

Residence Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_

Business Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_



Name \_\_\_\_\_ Title \_\_\_\_\_

Residence Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_

Business Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_



Name \_\_\_\_\_ Title \_\_\_\_\_

Residence Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_

Business Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_

5. Individuals or officers of the organization who will have custody of the contributions. If additional entries are required, please attach another page.

Name \_\_\_\_\_ Title \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_



6. Individuals or officers of the organization who are responsible for the distribution thereof. If additional entries are required, please attach another page.

Name \_\_\_\_\_ Title \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip Code \_\_\_\_\_ Country \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_

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

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

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

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10. Compensation and authority of the professional fundraiser, **including percentage going to the charity**:

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11. Contact information for the organization completing this form, if different from the professional fundraising organization itself.

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

Address \_\_\_\_\_

Phone \_\_\_\_\_

Primary Contact \_\_\_\_\_

Use this as the mailing address for the professional fundraising organization  Y  N

# Certification and Affidavit of Professional Fundraiser

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ deposes and says that he/she is

Name of Professional Fundraiser Representative

\_\_\_\_\_ of

Title

\_\_\_\_\_ Professional Fundraiser Organization

and that the information provided on this form is true and complete.

Representative of Professional Fundraiser

\_\_\_\_\_

Title

\_\_\_\_\_

Signature

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_.

Date

Year

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

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

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

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

Notary Seal:

# Professional Fundraiser Bond

BE IT KNOWN, that the applicant for registration, \_\_\_\_\_  
Applicant's Name

a/an \_\_\_\_\_ with a business located at  
Individual, Association, Partnership, or Corporation

\_\_\_\_\_  
Address Municipality

\_\_\_\_\_  
County State Zip Code

As PRINCIPAL, and \_\_\_\_\_ located at  
Name of Surety Company

\_\_\_\_\_  
Address 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 \_\_\_\_\_ of \_\_\_\_\_ and EXPIRES one year from this date.  
Date Year

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.



## Irrevocable Consent to Service of Process

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

Professional Fundraiser 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:

Authorized by the New Mexico Charitable Registration Act 1999, or the Attorney General of New Mexico

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