

Proposed Rules
of
The Tennessee Department of State
Division of Charitable Solicitations and Gaming

Chapter 1360-03-01
Regulation of Charitable Organizations
and Professional Solicitation

Presented herein are proposed amendments to the Rules for Regulation of Charitable Organizations and Professional Solicitation of the Division of Charitable Solicitations and Gaming submitted pursuant to Tennessee Code Annotated Section 4-5-202(a)(3) in lieu of a rulemaking hearing. It is the intent of the Division of Charitable Solicitations and Gaming to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed in the Department of State, Eighth Floor, William R. Snodgrass Tennessee Tower, 312 8th Avenue North, Nashville, Tennessee, 37243, and must be signed by twenty-five (25) persons who will be affected by the rule, or an association of twenty-five (25) or more members, or by a majority vote of any standing committee of the general assembly. If the agency receives such a petition, it shall not proceed with the proposed rulemaking until it has given notice and held a hearing as prescribed in Tennessee Code Annotated Section 4-5-203.

For a copy of this proposed rule, contact Todd R. Kelley, Director, Division of Charitable Solicitations and Gaming, 312 Eighth Avenue North, William R. Snodgrass Tennessee Tower, 8th Floor, Nashville, TN 37243, telephone 615-741-2555.

The text of the proposed amendments is as follows:

Amendments

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1360-03-01-.01	Definitions
1360-03-01-.02	Filing of Registration
1360-03-01-.03	Filing of Registration Renewal Application
1360-03-01-.04	Professional Solicitors and Fundraising Counsel
1360-03-01-.05	Denial of Registration and Appeal
1360-03-01-.06	Application of Registration Requirements to Internet Solicitation

Chapter Number 1360-03-01 Regulation of Charitable Organizations and Professional Solicitation is amended by deleting the title, so that, as amended, the title shall read:

Chapter Number 1360-03-01 Regulation of the Solicitation of Funds for Charitable Purposes

Rule 1360-03-01-.01 Definitions is amended by adding the words “and definitions in these rules shall apply to Tennessee Code Annotated Section 48-101-501 et seq., so that, as amended, the rule shall read:

1360-03-01-.01

- (1) Terms defined in the Charitable Solicitations Act, T.C.A. § 48-101-501 et seq. shall have the same meaning for the purpose of these rules and terms defined in these rules shall apply to T.C.A § 48-101-501 et seq.

Rule 1360-03-01-.01 Definitions is amended by adding a definition for “paid solicitor,” so that, as amended, the rule shall read:

1360-03-01-.01 Definitions

- (12) In T. C. A. Section 48-101-513(j)(1), “paid solicitor” shall mean “professional solicitor” as defined in T.C.A. § 48-101-501(8).

Rule 1360-03-01 is amended by adding a new subsection 1360-03-01-.06 and the current subsection 1360-03-01-.06 is renumbered as subsection 1360-03-01-.07 and subsequent subsections renumbered accordingly so as amended the new subsection 1360-03-01-.06 shall read as follows:

1360-03-01-.06 Suspension and Revocation of Registration and Appeal

- (1) Upon concluding that an organization’s registration with the Division is improper or unlawful, pursuant to T. C. A. § 48-101-514(a)(1), The Secretary of State shall notify the registrant of his intent to suspend or revoke its registration. The notification shall contain the reasons for the action and shall inform the organization of its right to request an administrative hearing within thirty (30) days of receipt of the notification. The suspension or revocation shall become effective thirty (30) days after receipt of the notification unless a request for an administrative hearing is received by the Secretary of State before the expiration of the thirty (30) days. If a hearing is requested and the suspension or revocation is upheld, the suspension or revocation shall become effective upon the service of the final administrative decision on the organization.
- (2) The hearing shall be held before an administrative law judge from the Administrative Procedures Division of the Tennessee Department of State and conducted pursuant to the Uniform Administrative Procedures Act, T.C.A. § 4-5-101 et seq. and Rule 1360-4-1-.14, Uniform Rules of Procedure for Contested Cases of State Agencies.

Authority: T.C.A § 48-101-503(b).

The proposed rules set out herein were properly filed in the Department of State on the 30th day of June, 20 2008, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of October, 2008. (FS 06-39-08; DBID 2914)