

CALIFORNIA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

February 19, 2016

**NOTICE OF MODIFICATIONS TO TEXT OF
PROPOSED REGULATIONS**

Pursuant to Government Code section 11346.8, subdivision (c), and California Code of Regulations, title 1, section 44, the Department of Justice is providing notice of changes made to proposed regulations in Title 11, sections 310, 312, and 999.1 that were noticed on December 11, 2015.

If you have any comments regarding the proposed changes, the Department of Justice will accept written comments between Friday, February 19, 2016 and Monday, March 7, 2016. All written comments must be submitted to the Department of Justice no later than 5:00 p.m. on Monday, March 7, 2016, and addressed to:

Jami L. Cantore, Deputy Attorney General
Office of the Attorney General
300 S. Spring Street, Suite 1702
Los Angeles, CA 90013
Jami.Cantore@doj.ca.gov
Telephone: (213) 897-2569
Facsimile: (213) 897-7605

All written comments received by 5:00 p.m., on or before close of business on Monday, March 7, 2016, pertaining to the indicated changes will be reviewed and responded to by the Department of Justice's staff as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text.

**TITLE 11. LAW
DIVISION 1. ATTORNEY GENERAL
CHAPTER 4. REGULATIONS ADOPTED PURSUANT TO THE SUPERVISION OF
TRUSTEES AND FUNDRAISERS FOR CHARITABLE PURPOSES ACT**

Text of Modified Regulations

The Office of the Attorney General has illustrated changes to the original text in the following manner: regulation language originally proposed is underlined in blue; additions to the language originally proposed are double underlined in blue; regulation language originally deleted is in red strikethrough using a "-"; and deletions from the proposed language are shown in red double strikethrough using a "-".

§ 310. Public Inspection of Charitable Trust Records.

(a) The register, copies of instruments and the reports filed with the Attorney General, except as provided ~~in~~ herein infra and pursuant to Government Code section 12590, shall be open to public inspection at the Registry of Charitable Trusts in the office of the Attorney General, Sacramento, California, at such reasonable times as the Attorney General may determine. Such inspection shall at all times be subject to the control and supervision of an employee of the Office of the Attorney General.

(b) Donor information exempt from public inspection pursuant to Internal Revenue Code section 6104 (d)(3)(A) shall be maintained as confidential by the Attorney General and shall not be disclosed except as follows:

(1) In a court or administrative proceeding brought pursuant to the Attorney General's charitable trust enforcement responsibilities; or

(2) In response to a search warrant; ~~or~~.

~~(3) In response to an administrative subpoena of an agency, bureau, or department of this state if the agency, bureau, or department agrees to maintain the confidentiality of the information received consistent with this regulation.~~

§ 312. Use of Annual Registration Fee.

Annual registration fees paid pursuant to Government Code section 12587 and section 311 of this chapter, ~~and~~ registration or renewal fees paid pursuant to Government Code sections 12599, 12599.1 and 12599.2, and the Registry of Charitable Trusts Fund established pursuant to Government Code section 12587.1, shall be used ~~solely~~ to operate and maintain the Attorney General's Registry of Charitable Trusts, to ~~and~~ provide public access via the Internet to reports filed with the Registry of Charitable Trusts in the office of the Attorney General, Sacramento, California, ~~and to enforce the registration and reporting provisions.~~

**CALIFORNIA CODE OF REGULATIONS
TITLE 11. LAW
DIVISION 1. ATTORNEY GENERAL
CHAPTER 15. ATTORNEY GENERAL REGULATIONS UNDER NONPROFIT
CORPORATION LAW**

TEXT OF PROPOSED REGULATIONS

§999.1. General Provisions and Definitions.

(a) Giving Notice to and Submitting Requests to Attorney General; When Notice or Request is Deemed "Filed with Attorney General."

For purposes of giving notice to the Attorney General or submitting requests for approval or other action to the Attorney General pursuant to any of the subsections contained in sections 999.2 through 999.5 of these regulations, all notices and requests shall be submitted in writing at the office listed below which is located nearest to the principal office of the corporation on whose behalf the notice or request is submitted.

Attorney General, Charitable Trusts Section
455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102-7004

Attorney General, Charitable Trusts Section
300 South Spring Street
Los Angeles, California 90013-1230

Attorney General, Charitable Trusts Section
1300 I Street
P.O. Box 944255
Sacramento, California 94244-2550

Written notices or requests shall be deemed filed with the Attorney General when the notices or requests are received at the Office of the Attorney General with the information required by sections 999.2(e), 999.3(e), 999.4 and 999.5 of these regulations.

...(Omitting subsections (b)-(d))

(e) Public Files, Notices, and Requests for Approval by Attorney General To Be Maintained in Public Files; Attorney General's Responses To Be Maintained in Public Files.

A "Public File" is the file of a nonprofit corporation which contains public documents, including registration and financial reporting forms filed pursuant to Government Code sections 12585 and 12586, and which is maintained at the Registry of Charitable Trusts, Office of the Attorney General, P.O. Box 903447, Sacramento, California 94203-4470. [A public file excludes donor information exempt from public inspection pursuant to Internal Revenue Code section 6104 \(d\)\(3\)\(A\).](#)

All notices and requests for approval submitted to the Attorney General pursuant to the subsections of sections 999.2 through 999.5 of these regulations shall become a part of the Public File of the corporation affected by the proposed action. In the discretion of the Attorney General, exceptions shall be made in the case of documents of a confidential or personal nature (i.e. individual tax returns, legitimate trade secret information, personal resumes, personal loan applications, etc.), where the corporation or person submitting the confidential documents [separately designates and](#) requests that such documents not be maintained in the Public File.

The Attorney General's responses to notices and requests for approval issued pursuant to the subsections of sections 999.2 through 999.5 of these regulations shall become a part of the Public File of the corporation affected by the proposed action.