

# Demystifying the DOJ

A Quarterly Series



## Consumer Protections

November 15, 2022

# Agenda

- I. **Welcome** – Marco Briones, Community Outreach Specialist
- II. **Consumer Protections** – Eleanor Blume, Special Assistant Attorney General
- III. **Registry of Charitable Trusts** – Tania Ibañez, Senior Assistant Attorney General
- IV. **Questions**

# Protecting California Consumers

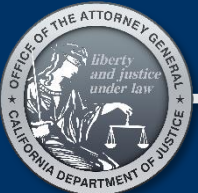
<https://www.oag.ca.gov/consumers>



Eleanor Blume,  
Special Assistant Attorney General

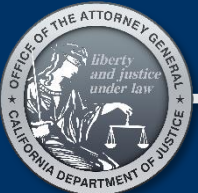
# Tips for Safe Shopping This Holiday Season:

- Be suspicious of a price or deal that seems too good to be true.
- Be attentive to details before you make a purchase: warranties, delivery times, fees, and return policies.
- Prior to making a purchase with a business, particularly one new to you or operating online, always do your research.
- Use a credit card when shopping.
- Make sure you have a secure internet connection when shopping online.
- Don't open links from unsolicited text messages.
- Close accounts on websites and apps that you no longer need.
- Know the common pitfalls of zero-interest financing offers before entering into an agreement.



# Exercise Your Rights Under California Consumer Privacy Act (CCPA)

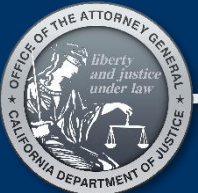
- The **right to know** about the personal information a business collects and how it is used and shared;
- The **right to delete** personal information that a business collects;
- The **right to opt-out** of the sale of personal information; and
- The **right to non-discrimination** for exercising your CCPA rights.



# Additional Resources for Californians

<https://www.oag.ca.gov/consumers>

- Avoiding utility shutoffs
- Protecting yourself from cybersecurity threats
- Navigating housing disputes
- Resources for Seniors, Service Members, and others



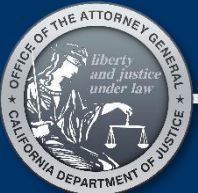
# File a Complaint

[www.oag.ca.gov/report](http://www.oag.ca.gov/report)

## Find Legal Assistance

You may obtain a referral to a certified lawyer referral service by contacting the State Bar at (866) 442-2529 (toll-free in California) or (415) 538-2250 (from outside California), or via the State Bar of California website at <https://www.calbar.ca.gov/Public/LawyerReferralServicesLRS>

If you cannot afford an attorney, you may wish to contact your local legal aid office. For a referral, please visit <http://lawhelpca.org/> and click on the Find Legal Help tab.



# Demystifying the Attorney General's Role with Charities



Tania Ibañez,  
Senior Assistant Attorney General  
Charitable Trusts Section



# The Nonprofit Sector Is Under the Oversight of and Subject to Examination by the Attorney General

- The Attorney General has the primary responsibility for supervising charities in California. The Attorney General seeks to protect charitable assets and donations, and ensure compliance with articles of incorporation, and other governing documents.
- The legal and audit staff at the Attorney General's Office investigate charities, charitable trusts, and fundraising professionals, and brings enforcement actions.
- The legal and audit staff review complaints filed against charities and their fundraiser and also review transactions that require notice or consent from the Attorney General.



# Registration and Reporting Requirements

- Charities operating in California are required to **register** and **file annual financial reports** with the Attorney General's Registry of Charitable Trusts unless exempt by statute.
- Charitable fundraisers soliciting or operating in California are also required to register and report, and submit to contract requirements.
- Certain transactions require notice to and approval by the Attorney General.
- The Attorney General's Registry of Charitable Trusts (Registry) oversees the registration and reporting requirements of charities, charitable trusts, and charitable fundraisers. (Gov. Code, § 12580 et seq.)



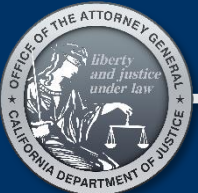
# The Consequences for Failing to Register or Becoming Delinquent in the Annual Filing and Reporting Requirements May Result in Punitive Actions

- A charitable organization cannot legally operate if it is not in good standing with the Registry. The organization's registration must be current to operate; delinquent or suspended organizations may not solicit or disburse charitable funds. (Cal. Code Regs., tit. 11, § 999.9.4.)
- The failure to register or failure to annually renew the registration may result in the assessment of late fees of \$25 per month, penalties, and/or cease & desist orders. (E.g., Gov. Code, § 12586.1.)
- If an organization is delinquent in its annual reporting requirements, the Registry may suspend its registration, and it may lose its tax exemption with the Franchise Tax Board.



# The Attorney General's Registry Provides Public Access to Registration and Reports

- The Registry is required to provide public access to all reports filed with the Registry. To that end, the Registry maintains a searchable database for the public's benefit.
- The public uses this database to research whether a charitable organization is registered or not.
- If an organization is registered and listed as "delinquent" this information is posted on the Registry's public searchable database.
- All registrants also have a continuing obligation to update the Registry with change of address information.







## Registry Verification Search

### Search the Files of the Registry of Charitable Trusts

The Registry Verification Search tool allows you to query the Registry's database and verify whether a charitable organization or fundraiser has complied with the Attorney General's registration and reporting requirements. You may also review and download records and public filings that a charitable organization or fundraiser has submitted to the Attorney General's Registry of Charitable Trusts. This includes copies of annual registration renewal forms (Form RRF-1), IRS Forms 990, raffle reports and fundraising reports that are in the Registry's database. Information is retrieved from the database in real-time but data and statuses may change intraday as filings are processed.

**Potential donors are encouraged to research organizations using this query tool and those available from the [Secretary of State](#), [Franchise Tax Board](#) and [IRS](#) to determine an organization's tax-exempt status and compliance status with all appropriate state and federal agencies. Each agency maintains their own database and independently determines the disposition of organizations relative to their statutory oversight. Each should be considered carefully and collectively to gain the most complete assessment possible. Donors may also benefit from reviewing our [Resources](#) and [Donation Tips](#).**

State Charity Registration Number:	<input type="text"/>
SOS/FTB Corporate/Organization Number (numbers only):	<input type="text"/>
FEIN (numbers only):	<input type="text"/>
Organization Name:	<input type="text"/>
DBA:	<input type="text"/>
Program Type:	<input type="text" value="All"/>
Record Type:	<input type="text" value="All"/>
Registry Status:	<input type="text" value="All"/>
County:	<input type="text"/>
City:	<input type="text"/>
State:	<input type="text" value="--All--"/>
ZIP Code:	<input type="text"/>
<input type="button" value="Search"/> <input type="button" value="Clear"/>	

**Note:** On the organization details page, under **Filings & Correspondence**, if incorrect documents seem to open when you try to download or view them, try clearing your browser's cache and then also refreshing that page. The order of the documents may change, but those two steps should clear up most issues with the links.

# AG's Charitable Trusts Section Enforcement Program

- AG safeguards, preserves, and recovers charitable assets through investigations, audits and legal actions
- Focus: mismanagement and diversion of charitable assets from intended use
- Cases developed from complaints received from the public, media, review of annual filings, probate notices
  - AG investigations are confidential
  - **File complaint online at [oag.ca.gov/charities/complaints](https://oag.ca.gov/charities/complaints)**



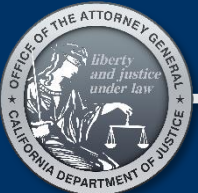
# Types of Investigations

- Self-dealing transactions;
- Loss of substantial corporate funds or assets;
- Excessive amounts paid to officers and directors;
- Diversion or loss of charitable assets;
- Reporting and registration violations;
- Breaches of fiduciary duties; and
- Misleading, deceptive, or coercive charitable solicitations and fundraising practices.
- The Attorney General also investigates allegations of criminal activity by charities. Persons with complaints of criminal activity by a charity should also contact the local district attorney.



# Donation Tips

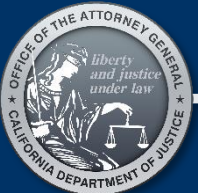
- **Check the Registration Status:** The Registry of Charitable Trust's Registry Verification Search tool allows you to search the Registry's database and verify whether a charitable organization or fundraiser has complied with the Attorney General's registration and reporting requirements.
- **Give to Organizations You Trust:** Don't be persuaded by mailers do your research. Review the charity's annual financial reports to find out how much of your donation will actually be spent on the charitable cause, as well as how much will go to overhead and employee compensation (if any). Research charities in your community and support those that make a positive impact.
- **Don't Be Pressured by Telemarketers :** If you receive a call from a telemarketer, ask plenty of questions, such as: the name of the fundraising organization, whether the fundraising organization is registered with the Attorney General's Office, the name of the charity that is benefitting from the solicitation, how much of your donation will go to charity and how much to the fundraising company, and the direct telephone number of the charity that is receiving the donation





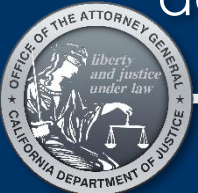
# Donation Tips

- **Watch Out for Similar-Sounding Names and Other Deceptive Tactics:** Some organizations use names that closely resemble those of well-established charitable organizations in order to mislead donors. Additionally, if you receive an email from an organization to which you have never donated, take extra precautions before clicking on any links. Be skeptical if someone thanks you for a pledge or donation that you never made, as scammers use this trick to deceive you into paying them. If you are unsure whether or not you made a donation, make sure to check your records.
- **Be Cautious of "Look-Alike" and Fake Websites:** Be on the lookout for websites that use slightly different web addresses (URLs) in order to pass off as a legitimate charity.
- **Be Wary of Social Network Fundraising:** Never assume charitable fundraisers that you see online or on social media are legitimate, even if it is shared by someone that you trust. If you plan to donate through a social network solicitation, do your research first and find out what percentage is going to the charity, whether you will be charged a fee, or if a percentage of your donation will be paid to the platform website.



# Donation Tips

- **Be Careful When Making Electronic Donations:** Electronic donations, such as donations made via text, QR Codes, and Square Card Readers, have become common practice due to their ability to provide a quick and easy way to donate on the spot. While convenient, remember that anyone can create a QR code, send a text, or buy a Square Card Reader. Always confirm that the solicitation was submitted by a charity, or that the person facilitating the transaction is authorized to receive donations on behalf of a charity. Always check your receipt and your credit card/PayPal statement to ensure that the transaction charged to your account is accurate.
- **Protect Your Identity:** Never give your Social Security number or other personal identifiable information in response to a charitable solicitation. Some organizations may sell or rent their donor lists to other organizations, including organizations that are not charities. Before making a donation, review the charity's privacy policy to find out if your information will be shared with outside companies.
- For more information on how to protect yourself against charity fraud, visit our donation tips webpage at <https://oag.ca.gov/donations>.



# The Attorney General Resources

- For more information on charities and fundraisers visit our website.
  - We have webinars, publications and FAQs.
  - <https://oag.ca.gov/charities>
- The Attorney General's Guide for Charities provides valuable information and assistance to directors, officers, trustees, volunteers, fundraisers, and accountants for charitable organizations that operate or fundraise in California.
- Donation Tips
  - <https://oag.ca.gov/donations>

