

## Removing Entities From The Charitable Checkoff Program

### Removing Entities From the Tax Form under ORS 305.740

- (1) In each even-numbered calendar year after an entity is listed the Commission shall examine the entities' information from the previous year to ensure they continue to meet ORS 305.710 and 305.720 to be listed for contributions in ensuing biennial years. **[Does not apply to Non-game Wildlife through tax year 2011 (ORS305.753 (3).]**
- a. ORS 305.710—Space available for listing on the form.
- b. ORS 305.720—Qualification for entity for checkoff
- Engages in public activities that are consistent with policies and programs of the state.
  - Checkoff funds are not used to meet the administrative expenses of the entity.
  - Programs funded result in substantial and direct benefits to the human and natural resources of the state.
  - Entity shows a pattern over several years of increasing its total revenues from other than checkoff sources or reaches the level where no more than 50% of revenues are from checkoff funds.
  - Entity is qualified to receive contributions that are tax deductible under Internal Revenue Code:
    - Section 170—contributions and gifts;
    - Section 501(k)—Child care;
    - Section 7871 IRS Code—Tribal contributions.
  - File a financial report.
  - Those on the form receive \$25,000 in donations in one of the two tax years immediately proceeding review. **(This item is not subject to appeal if the Commission deems an entity has not met this requirement).**
- (2) If the Commission determines that an entity no longer meets the above requirements, a notice will be sent to the entity. The entity has 20 days from the notice to request a contested hearing. A contested hearing would be scheduled before an Administrative Law Judge (ALJ) (the ALJ panel is part of the Employment Department).

### Removing Entities from the Tax Booklet under ORS 305.727

- (1) Every qualified entity must recertify with the Commission every six years. In addition to meeting the requirements of 305.740 above, the entity must also:
- File a financial report showing sources of donations;
  - Show they qualify as a charitable organization under IRC 501(C)(3);
  - Have a gross income of a least \$1 million in the year prior to application/reapplication. This can be the parents' combined financial statement or the state affiliate.