

1973 S.C. Op. Atty. Gen. 299 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3626, 1973 WL 21079

Office of the Attorney General

State of South Carolina

Opinion No. 3626

September 19, 1973

\*1 Honorable O. Frank Thornton  
Secretary of State  
P. O. Box 11350  
Columbia, S. C. 29211

Dear Mr. Thornton:

Mr. McLeod has referred your recent letter regarding the Solicitation of Charitable Funds Act to my attention.

The question posed was whether or not an agency of the United Fund may solicit on its own behalf without complying with the registration provisions of the statute, since the United Fund has so registered.

Section 4 requires each chapter or member of a federated fund-raising organization to report the required information to its parent organization. However, the article further requires that independent member agencies of a federated fund-raising organization must comply individually with the provisions of the Act.

A federated fund-raising organization is defined as:

A federation of independent charitable organizations which have voluntarily joined together, including but not limited to a United Fund or Community Chest, for purposes of raising and distributing money for and among themselves and where membership does not confer operating authority and control of the individual agencies upon the federated group organization.

Assuming the United Fund to be registered as a federated fund-raising organization, an agency of the United Fund would not be required to register separately. However, if the agency wished to solicit on its own behalf, under its name rather than that of the United Fund, the agency would be in the opinion of this office acting as an independent member agency of a federated fund-raising organization and would therefore be required by Section 4 to comply the provisions of the Act.

If I may be of further assistance, please do not hesitate to call upon me.

Very truly yours,

Patricia O. Brehmer  
Assistant Attorney General

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