

Notice of Public Hearing

A public hearing will be held by the Office of Attorney General Richard Cordray on April 30, 2010 at 10:30 a.m. in the Lobby Hearing Room of the Rhodes State Office Tower, located at 30 East Broad Street, Columbus, Ohio 43215. The purpose of the hearing is to solicit public comment on proposed amendment of the following rules:

109:1-1-04, titled "Annual Report." This rule is being amended to raise the annual report filing threshold from annual gross receipts of more than five thousand dollars or gross assets of more than fifteen thousand dollars to gross receipts of at least twenty-five thousand dollars or gross assets of more than twenty-five thousand dollars. The proposed rule also includes filers of the IRS Form 990-N among those organizations that shall file the Attorney General's certification form.

109:1-1-05, titled "Place of Filing." This rule is being amended to require use of the Attorney General's on-line registration and filing system for the submission of charitable trust registration materials, annual reports and filing fees. To the extent that materials cannot be accepted through the on-line filing system, an address is provided for mail or delivery of such items to the Attorney General.

All interested parties are invited to attend the hearing and present oral and/or written testimony. Written comments may also be submitted prior to the hearing to the attention of Peter M. Thomas, Chief, Charitable Law Section, Office of the Attorney General, at 150 East Gay Street, 23rd Floor, Columbus, OH 43215-3130 no later than April 29, 2010.

(A) Any charitable trust which is required to register with the attorney general pursuant to rule 109:1-1-02 of the Administrative Code, must file an annual report for any taxable year in which such trust has gross receipts of ~~more than five~~ at least twenty-five thousand dollars or gross assets of more than ~~fifteen~~ twenty-five thousand dollars. ~~Such report shall be required for any such charitable trust whose fiscal or calendar year ends after November 19, 1975, the effective date of section 109.31 of the Revised Code.~~ The report shall be one of the following:

- (1) All charitable trusts required to file an annual report with the attorney general may file, and all organizations that during any taxable year have gross receipts of less than twenty-five thousand dollars, or are otherwise but exempt from filing financial information with the internal revenue service, shall file a form prescribed by the attorney general which shall contain a summary of the income, expenses, assets, liabilities, and net worth for the taxable year, and which may contain other information consistent with information contained in federal returns or purposes defined in paragraphs (B)(1) and (B)(2) of rule 109:1-1-01 of the Administrative Code. The report shall be signed or verified by a trustee or officer of the organization submitting the form.
 - (2) ~~All organizations headquartered in Ohio that are~~ charitable trusts required to file an annual report with the attorney general and also required to file forms 990, 990-PF, ~~or 990-EZ, or 990-N~~ with the internal revenue service, ~~may shall~~ file a form prescribed by the attorney general certifying that the organization has filed such forms with the internal revenue service, signed or verified by a trustee or officer of the organization.
 - (3) All other ~~organizations may~~ charitable trusts required to file an annual report with the attorney general shall file complete copies of all annual federal returns required to be filed by the organization with the internal revenue service for the taxable year, together with all schedules, attachments, and reports due with such federal return or returns, excepting lists of donors which are not public record under federal law. Such annual federal returns shall not be deemed to include copies of employment tax returns or wage reports.
- (B) The annual report shall be filed on or before the fifteenth day of the fifth month following the close of the trust's taxable year. Annual federal returns shall be filed with the attorney general at the same time as required by the internal revenue service, taking into account any applicable extension of the federal filing date.

(C) The following fees shall accompany the annual report:

Assets

Fee

Less than \$25,000	-0-
\$25,000 but less than \$100,000	\$50.00
\$100,000 but less than \$500,000	\$100.00
\$500,000 or more	\$200.00

The term "assets" refers to the total current value of the trust's assets which are irrevocably devoted to charitable purposes at the end of the taxable year for which the annual report is being filed. The current value of the assets shall reflect the most recent valuation consistent with generally accepted accounting principles. Filing fees must be paid by check or by other electronic form of payment acceptable to the attorney general, payable to the treasurer, state of Ohio.

109:1-1-05

Place of filing.

The attorney general's on-line registration and filing system ~~may~~shall be utilized, to the extent applicable, for the submission of registration forms, annual reports and filing fees. ~~Registration forms and annual reports, together with the applicable fees and~~ All required documents related to registration and annual reports that cannot be accepted through the on-line filing system and all correspondence ~~relating thereto~~ may also be directed to the "Ohio Attorney General, Charitable Law Section, 150 East Gay Street, 23rd Floor, Columbus, Ohio 43215- 3130".

Effective:

R.C. 119.032 review dates: 03/26/2010

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 109.27
Rule Amplifies: 109.26, 109.31
Prior Effective Dates: 5/3/1976, 5/30/1997, 8/31/2001, 11/27/2006