



**Office of the  
Attorney General**

# **OREGON BUSINESS GIVING GUIDE**

**How to Give  
Effectively**



# How To Give But Give Effectively

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Oregon is sometimes referred to as a community of “shopkeepers.” Although some major corporate headquarters are located in this state, small and moderate sized businesses form the core of Oregon’s economy. Fortunately, many of these business men and women feel they have a commitment in giving something back to the community in some form of charitable contributions. Because these businesses are regular charitable contributors, they also are the principal targets for certain unscrupulous solicitors who prey upon this generosity.

This publication will discuss the major types of solicitations that are regularly directed at businesses and will offer some tips on how to respond to them. Before discussing the different promotions, remember that one rule applies to all solicitations of any significant size - **DO NOT GIVE CASH**. Based on evidence gathered in investigations of prior fraudulent schemes, we know that retailers are more likely to give cash contributions than the average citizen. Some retailers give in to the temptation to reach into the till and hand cash to a solicitor who turns up on the door step. Legitimate charities will be pleased to receive a contribution by check. When cash is delivered to unscrupulous charities or professional fundraisers, it often disappears before it can be deposited in the charity’s bank account. Always make the check payable to the organization, not the individual collecting the donation.

# Solicitations for Advertising

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Businesses are frequently asked to purchase advertising in publications that appear to be sponsored by a non-profit . Examples would include publications for the benefit of law enforcement officers or publications that advocate drug or child abuse prevention. The vast majority of these appeals are made by professional telephone solicitors, who are required to disclose this fact to you. If the solicitor is a professional fundraiser, soliciting on behalf of a nonprofit organization, the professional must be registered with the Attorney General's office. You may contact the Attorney General's Charitable Activities Section to confirm the solicitor's status. Some of these solicitors claim that they are working in conjunction with local law enforcement officials or school programs. If you have any doubts, check with the local organization. In a significant number of cases, there is no working relationship or the claims of cooperation are exaggerated.

Solicitors often imply that placing an advertisement in the publication will be a good use of your advertising dollar. An advertisement which does not reach your customers has little or no value. Many of these publications are produced and distributed out-of-state. you need to know how the publication will be distributed in Oregon before deciding whether to offer your financial support.

Ask them the following questions:

- Who is the intended audience?
- Will the publication be sold or given away?
- Will it be distributed to the public or just other advertisers? If it will be distributed through other organizations, such as schools, have prior arrangements for distribution been made (i.e., has it been approved for distribution by the local organization)?

# Law Enforcement Solicitations

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Police and fire departments are supported by your tax dollars and, in general, do not engage in solicitation activities. However, the employees of these municipal, county, or state agencies may be members of professional associations or labor unions. Some of these associations/unions do solicit the public for contributions.

You should contribute to the organization if you are interested in supporting its activities. You should not feel intimidated to contribute; you will not be denied police or fire protection because you declined to contribute. If you receive such a threatening solicitation, it is likely that the solicitor is an imposter and you should report the event to the Attorney General's office.

These law enforcement groups solicit funds for a wide variety of purposes. Such purposes include: services for their members, administrative overhead, education and training, charitable contributions to community organizations, campaign contributions/lobbying activities, and funds to engage in collective bargaining negotiations with the law enforcement agency which employs members of the association. You should inquire how your contributions will be used, and contribute only if you are comfortable with the stated purpose(s).

Most of these solicitations are conducted by telephone. It is very rare for solicitations to actually be conducted by law enforcement personnel. The solicitation is typically conducted by a professional fundraiser. He or she is required to disclose that status to you. You should inquire as to how much of your contribution will go to the law enforcement association. If you make a pledge involving the sale of a good or service (such as advertising), Oregon law requires that you receive a written notice of the percentage to be contributed to the association; you are to receive that written notice within 10 days of your pledge.

Increasingly, Oregon businesses are receiving phone calls from out-of-state solicitors who seek advertisements

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in law enforcement sounding publications. Many of these solicitations have no connection to any bona fide law enforcement organization, and have no meaningful method of distributing the publication to local law enforcement officers, or any other local audience. You should avoid contributing to these publications as no one but the owners and solicitors for the publication will benefit. If you have any doubts as to whether the publication is produced on behalf of a nonprofit law enforcement association, contact the Attorney General's Charitable Activities Section.

## Vending Machines

Floor or counter space is an important asset to any business. Increasingly, retailers are asked to donate a portion of that space to vending machine owners. A gumball machine, for instance, is a type of vending machine. But there are more modern variations such as "honor boxes," wishing wells, and donation canisters. Whatever the device, it will receive currency from your customers and will be owned and serviced by someone other than you or your employees. You should not turn over any of your valuable space until you are satisfied that you understand and approve of the arrangement. There are three common arrangements:

- In some cases, the device will be owned and serviced by employees or volunteers of a charitable organization. All of the net profits of the device will go to the charity.
- In other cases, the device will be owned and serviced by a private vending machine operator. The operator enters into a contract with a nonprofit organization to use its name and to pay a portion of the funds collected to the nonprofit beneficiary. You may want to see a copy of the contract or letter of agreement before allowing the device to be placed at your location.

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These commercial operators are required to register with the Attorney General's office and the percentage to be paid to the nonprofit organization must be prominently disclosed on the device.

- In a few cases, the private commercial operator has a contract to use the nonprofit organization's name, but no proceeds from the device will be paid to the nonprofit. Instead, the beneficiary receives a one-time or periodic royalty payment, and sometimes has the opportunity to place a program service message on the device. In this instance, the operators are not required to register as a commercial fundraisers if the device includes a prominent statement such as "all proceeds go to the unit owner", and the owner is identified as someone other than the charity.

## Where to get more help

If you want to find out if a nonprofit organization or professional fundraiser is registered in Oregon, call or write:

Oregon Department of Justice  
Charitable Activities Section  
1515 SW Fifth Avenue, Suite 410  
Portland, OR 97201  
Phone: (503) 229-5725

If you want to file a complaint regarding charitable solicitation practices, contact the above office or call the Oregon Attorney General's Consumer Hotline at:

Financial Fraud  
1162 Court Street, NE  
Salem, OR 97310  
Phone: (503) 378-4320 or  
(503) 229-5576 (Portland only)

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## **STATEMENT OF NONDISCRIMINATION AND COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA)**

The Americans with Disabilities Act of 1990 (ADA) requires all programs, services and activities of state and local governmental agencies to be accessible to persons with disabilities.

The Oregon Department of Justice does not discriminate in providing access to its programs, services and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, sexual orientation, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government.

For additional information regarding (a) the department's ADA compliance, (2) its policy of nondiscrimination, (3) availability of the information on this pamphlet in a different format or (4) procedures for resolving a complaint that the department has discriminated in providing access to the department's programs, services and activities - please contact the department's ADA coordinator:

Personnel Manager

1162 Court Street, NE (southwest corner at 12th Street)

Salem, Oregon 97310

Telephone: 503-378-5555, ext. 226 - Voice

503-378-5938 - TTY

Fax: 503-378-8732

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