



ROBERT HOBAN, MANAGING PARTNER  
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23 October 2012

Colorado Department of State  
1700 Broadway  
Denver, CO 80290

RE: Colorado Charitable Solicitations Act, 8 CCR 1505-9 – Hearing: October 25, 2012

Dear Secretary Gessler:

The following comments relate to the hearing to be held on October 25, 2012 concerning potential amendment to the Colorado Charitable Solicitations Act, 8 CCR 1505-9. I submit this comment on behalf of my law firm, which has an extensive practice in this area of regulation. Furthermore, this is submitted with substantial input from my University of Denver, Women's College, class (LAS 3400: Regulations).<sup>1</sup>

1. We concur with comments provided by other parties pertaining the suggested six month extension of time to file for charitable organizations filing extensions with the IRS. It also appears there was a focused effort on removing a great deal of the legal jargon, thus making the language more "user friendly" for the nonprofit community. These are generally very good things.
2. This rule should be amended to extend the filing period to mirror the form 990 IRS filing time frame and allow for the application to be filed in an online format that would not require the form 990 extension first.
3. Allow one officer/director signature or an official delegate in order to expedite the filing process and reduce administrative costs. This would also benefit the small national non-profits who need to renew registrations in numerous states. Allow additional contact information to be added to the form so time is not lost waiting for the signee to forward email.
4. Please clarify Rule 3, Section 3.1, lines 4 & 5 to state who the "Aggrieved Party" may request a hearing from. If they are requesting registration from the SOS and they are denied, to whom will they make their appeal? The SOS? What process?

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<sup>1</sup> I am a faculty member at the University of Denver Women's College, in the Law and Society Program.



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5. What are the potential remedies that this amendment will look at in reference to remedying undisclosed information leaking out or being made public, and it hindering certain parties? This is one of the things that is not being taken into account.
6. Deadlines could be better handled through mandatory electronic filings for all organizations. Just as self-employed businesses must file quarterly taxes; it would also benefit companies to file non-exempt status on a quarterly basis to keep current filing status. This rule would also allow non-profit organizations additional time to gather information between deadlines without having to file annual extension requests. This may be a viable solution to filing annually on a May 15<sup>th</sup> deadline that allows an automatic three month extension given upon request. It is uncertain how making timelines more flexible will attain greater timely filing, as suggested in the proposed changes.
7. Line 26, section 8.4 – A newly-formed charitable organization should be required to provide an explanation for the mistake in filing the registration. The explanation will then be part of the record in case of wrongdoings by this organization down the road.

Respectfully submitted and with thanks to you,

*/s/ Robert T. Hoban*

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