

Title 68: Human Resources Administration

Chapter 1: Granting of Licenses For Public Solicitation

§ 1-01 Applications.

- (a) All applications shall be made on Form W704A provided by the Department.
- (b) *Content.* Every application made hereunder shall set forth, in addition to other information, the following:
 - (1) Name and address of organization.
 - (2) Names and addresses of the officers and directors of the organization.
 - (3) The method of solicitation.
 - (4) Specific dates for which permission is sought and localities and places of solicitation.
 - (5) Purpose or object of solicitation.
 - (6) The estimated expenses of the proposed solicitation.
 - (7) Whether or not any commissions, fees, wages or emoluments of any character are to be extended in connection with such solicitation and if so, the rates or amounts.
 - (8) A verified statement of all monies, donations or financial assistance of any kind collected during the previous fiscal or calendar year, the expenditures connected therewith, and all other disbursements thereof.
 - (9) Copy of any contract made in connection with the solicitation shall be attached to the application.
- (c) *Certified resolution of authority to be filed.* Every organization, society, association or corporation applying for such license shall file with its application a copy of the resolution adopted by such organization, society, association or corporation authorizing the application, certified to as correct by the proper officer thereof.

§ 1-02 Eligibility.

- (a) *In general.* Licenses will not be issued to individuals but only to non-profit groups, organizations, associations and corporations. All officers and directors of applicant organization must be of good character and bear a reputation in the community satisfactory to the Commissioner.
- (b) *Veterans organizations.* Applications for public solicitation may not be submitted by posts, branches, garrisons or other units or subdivisions of organizations having county or state offices unless specifically authorized in writing by the State or County office. National offices of organizations may also apply.

§ 1-03 Licensee Prohibitions, Duties and Limitations.

- (a) *Proceeds – certain uses prohibited.* No license shall be granted where any part of the proceeds collected insures to the benefit of any individual officer or member of the organization, society, association or corporation, directly or indirectly, except that reasonable compensation may be paid for services rendered.
- (b) *Gambling and games of chance.* No gambling device, lottery, raffle, drawing or game of chance shall be permitted at or used in connection with any function for which a license to solicit has been granted.
- (c) *Misstatements.* Any misstatement made in the application or to the Commissioner for the purpose of obtaining a license may be deemed sufficient cause for refusing such license or for revoking any license granted.
- (d) *Terms of license to be fulfilled.* Licenses granted hereunder shall specify the period during which they shall remain in force, the name of the organization, society, association or corporation to which granted, the manner in which the solicitation shall be carried on, the location of the solicitation, and the purpose of the solicitation. Licensees and all solicitors, collectors or other representative of the licensees, shall be required to produce on demand, the original license or a photographic copy. The license shall not be valid unless it bears the signature of the Commissioner, Deputy Commissioner or Counsel to the Department of Social Services.
- (e) *Commissioner's right to audit.* The Commissioner reserves the right to make or cause an audit to be made at any time of the accounts of any organization, society, association or corporation, to which a license has been issued at any time, and if such audit discloses any irregularity it shall be sufficient reason for the revocation of the license and for the denial of future licenses to the same group or its successors or affiliates. The Commissioner reserves the right to examine books and records of applicants for licenses.
- (f) *Non-transferability of license.* No license granted in accordance with these regulations shall be transferable.
- (g) *Filing of statement of receipts and expenditures.* The holder of the license shall file with the Department of Social Services, within ten (10) days after the expiration of the period for which it was granted, a statement of the receipts and expenditures in detail, sworn to by a proper officer.
- (h) *Ten day rule.* Completed application form for solicitation of funds must be filed with the Department of Social Services at least ten (10) days before the effective date of the requested solicitation.
- (i) *Sale of tickets or advertising.*
 - (1) License issuance limited to three month period prior to activity. In connection with the sale of tickets or advertising for fund-raising purposes a license will not be issued earlier than three months before the scheduled date of the proposed affair.
 - (2) *Submissions of samples.* It is required that organizations licensed by the Department of Social Services who conduct campaigns for contributions and by sale of tickets must furnish the Department with samples of letterheads, appeal letters and literature to be used in connection with such campaign and where the sale of tickets is licensed, the Department must be furnished with samples of the tickets in the different price denominations.
- (j) *Proof of consent to use of private property.* Within the discretion of the Commissioner, he may require applicant for license to furnish proof of consent to solicitation on any privately-owned property.
- (k) *Prohibition against soliciting while in military uniform.* No licensees, or representatives of a licensee, shall wear the uniform or any part thereof, of

the Army, Navy, Coast Guard or Marine Corps of the United States, or of the National Guard or State Guard of the State of New York, in connection with such solicitation of funds.

(l) *Removal of solicitation container at license expiration.* Where public solicitation is conducted by placement indoors of containers or receptacles, such solicitation must terminate upon the expiration date of the license. No container or receptacle may be displayed after such expiration date, and all containers and receptacles must be promptly removed by or returned to the licensee.

(m) *Street solicitation.*

(1) *Soliciting prohibited in certain places.* No license granted hereunder shall be construed to permit or allow the holder, thereof, to solicit contributions along the line of march of any parade or at any block party or street fair, unless such solicitation is specifically authorized by the license. No solicitation is to be conducted on any public conveyance, platform, stairway, station or any appurtenance of a subway or elevated railway.

(2) *Solicitation by children prohibited.* The use of children under eighteen (18) years of age in solicitation under authority of license issued by the Department of Social Services is prohibited.

(3) *Three-day limitation.* Licenses for street solicitation shall be limited to a period of three days within a six-month period. In instances involving inclement weather, a licensee may request and receive substitute days. The last week in May shall be reserved for veteran organizations only who will be permitted to conduct both indoor and outdoor solicitation by the sale of poppies during this time.

(4) *Distance required between solicitors.* There shall be at least the distance of one City block between persons soliciting funds on public streets under license from the Department of Social Services.

(5) *Manner of soliciting.* Solicitors shall approach pedestrians in a quiet, conversational tone. Solicitors shall not shout or otherwise conduct themselves in a manner offensive to passersby and shall not carry signs.

(6) *Solicitors shall not block entrances.* Solicitors shall not block the entrance to any dwelling, store or other place of business, nor impede in any way the free ingress to or egress from any dwelling, store or other place of business.

(7) *Solicit near the curb line.* Solicitors shall station themselves nearest the curb line.

§ 1-04 Violations.

Any violation of these regulations or of any ordinance or law may result in the revocation of the license and in denial of future licenses to the same organization, its successors or affiliates.