



Martha J. Sweterlitsch
 Writer's Direct Dial: (614) 223-9367
 Writer's Email:
 msweterlitsch@beneschlaw.com

41 South High Street
 Suite 2600
 Columbus, Ohio 43215-6150
 Phone: (614) 223-9300
 Fax: (614) 223-9330

COMPLIANCE CHECKLIST FOR OHIO NONPROFIT ORGANIZATIONS

**Please note that this is an Ohio based document, however most states have similar provisions*

<u>State Corporation Requirements</u>		
1.	Is your statutory agent's information filed with the Secretary of State current?	ORC 1702.06(D) and (E)
2.	Who is your statutory agent and can you rely on your registered agent to give you mail that comes to the corporation?	(Good Practice)
3.	Have you filed a Statement of Continued Existence with the Secretary of State every five years?	ORC 1702.59
4.	Does your purpose statement match current mission and activities?	
5.	Do you have as many trustee/directors as required by the Code of Regulations/Bylaws? At least three are required by Ohio law.	ORC 1702.27
6.	Does the Board meet? How often? Are there minutes of meetings? Does membership (if any) meet?	ORC 1702.3 / ORC 1702.16
<u>IRS Requirements</u>		
7.	Can you find your IRS tax-exempt letter and does it say what you think it does?	IRS Recognition Letter
8.	Have your structure, purposes, or activities changed significantly since you received your letter of recognition of tax-exempt status from the IRS? If so, have you notified the IRS?	IRS Recognition Letter

9.	Are you filing any required Form 990 with the IRS? If you have unrelated business income, are you filing a 990T?	I.R.C. 6033
10.	Has the Board reviewed the 990 prior to filing?	Form 990 Instructions
11.	Are your forms 1023 and 990 available for public inspection at your principal place of business?	I.R.C. 6104(a)(1)(A) and (b) and (e)
12.	Do you have a conflict of interest policy and do you follow it?	
13.	Do you have comparative data to substantiate that compensation is reasonable? Are all items of "compensation" treated as compensation, i.e. cars, insurance, loans, etc.?"	
14.	Is the organization using or distributing the income from its investments/endorsement?	
15.	Are Board members or others gaining private benefit from their affiliation with your organization?	
16.	Who is making financial decisions?	
17.	Are payroll taxes being paid fully and promptly?	
18.	If your facility is bond financed do you have any non exempt (private) use?	
19.	Do you have unrelated business income of \$1000 or more??	
<u>State Recordkeeping and Disclosure Requirements</u>		
20.	Do you keep correct and complete books and accounting records?	ORC 1702.15
21.	Do you keep minutes of all proceedings of the incorporators, members, trustees and committees?	ORC 1702.15
22.	Do you have a membership book containing the name, address, date of admission and classification, if any?	ORC 1702.13(A)
23.	Does the membership book contain the cause and date of termination for any terminated member?	ORC 1702.13
24.	Are all books and records, including the membership book, available to your members, trustees and agents of either?	ORC 1702.15
25.	Are you saving financial records for at least seven years?	(IRS Auditing Standards)

26.	Have you revoked the check signing authority of former staff and board members?	(Good Practice)
<u>Charitable Organization Requirements</u>		
27.	If the organization is a charity, is it registered with the Attorney General's office?	ORC 109.26
28.	If a charity, is it filing an annual notice with the Attorney General of its 990 filing, or, in the alternative, filing the financial report on the forms provided by the Attorney General?	ORC 109.31
29.	Is the organization soliciting for charitable contributions in Ohio and/or other states? If not exempted under ORC 1716.03, do you file an annual registration statement with the Attorney General on or before the fifteenth day of the fifth month after the close of the fiscal year?	ORC 1716.02
30.	Do you maintain true records of solicitation activities for the past three years?	ORC 1716.11
31.	Do you acknowledge, in writing, any gifts over \$250.00?	I.R.C. 170(f)
32.	Do you tell donors the value of any benefit they receive in return for contributions over \$75.00?	I.R.C. 6115(a)(8)
33.	Do you file an annual report of solicitations with the Attorney General?	ORC 1716.04
34.	Are you registered with the applicable municipality, if required?	
35.	Does the organization engage in any "charitable sales promotions" or "commercial co-ventures" with for profit entities?	ORC 1716.09
36.	Does the organization use professional fundraisers who are <u>not</u> employees of the organization? If so, are they registered and does the contract comply with ORC 1716.08?	ORC 1716.07
<u>Fund-Raising Counsel Duties</u>		
37.	Have you registered or renewed registration with the Attorney General by 3/31 each year?	ORC 1716.05(B)(1)

38.	Have you filed a \$25,000 bond with one or more sureties with the Attorney General?	ORC 1716.05(B)(2)
39.	Have you furnished an accounting of all contributions collected and expenses paid to the charitable organization?	ORC 1716.05(B)(3)
40.	Do you, not later than two days after receiving a contribution, deposit the entire amount in an account that is (a) in the name of the organization and (b) with a federally insured financial institution?	ORC 1716.05(a) and (b)
41.	Do you maintain, for three years, a record of (a) the name and address of each contributor; (b) the location of bank and account numbers used for deposits?	ORC 1716.05(a) and (b)
<u>State Tax</u>		
42.	If the organization is classified as exempt under I.R.C. 501(C)(3), is it taking full advantage of its exemption for the state sales and property tax?	ORC 5709.12 ORC 5739.02(B)(12)
43.	Has the use of real estate changed? Are you renting out any portion of the property to any person or organization?	
44.	If the organization sells goods and services, are you in compliance with state requirements for <u>collection</u> of sales tax?	ORC 5739.02