

ARE NOT. THE SECRETARY OF STATE SHALL ISSUE RULES AND REGULATIONS TO PERMIT A CHARITABLE ORGANIZATION TO PAY OR AGREE TO PAY FOR EXPENSES IN CONNECTION WITH A FUND-RAISING ACTIVITY MORE THAN 25% OF ITS TOTAL GROSS INCOME IN THOSE INSTANCES WHERE THE 25% LIMITATION WOULD EFFECTIVELY PREVENT THE CHARITABLE ORGANIZATION FROM RAISING CONTRIBUTIONS.

THE 25% LIMITATION IN THIS SUBSECTION SHALL NOT APPLY TO COMPENSATION OR EXPENSES PAID BY A CHARITABLE ORGANIZATION TO A PROFESSIONAL FUND-RAISER COUNSEL FOR CONDUCTING FEASIBILITY STUDIES FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE CHARITABLE ORGANIZATION SHOULD UNDERTAKE A FUND-RAISING ACTIVITY, SUCH COMPENSATION OR EXPENSES PAID FOR FEASIBILITY STUDIES OR PRELIMINARY PLANNING NOT BEING CONSIDERED TO BE EXPENSES PAID IN CONNECTION WITH A FUND-RAISING ACTIVITY.

(B) FOR PURPOSES OF THIS SECTION, THE TOTAL GROSS INCOME RAISED OR RECEIVED SHALL [[NOT INCLUDE]] BE ADJUSTED SO AS NOT TO INCLUDE CONTRIBUTIONS RECEIVED EQUAL TO THE ACTUAL COST TO THE CHARITABLE ORGANIZATION OF (1) GOODS, FOOD, ENTERTAINMENT, OR DRINK SOLD OR PROVIDED TO THE PUBLIC, NOR SHOULD THESE COSTS BE INCLUDED AS FUND-RAISING COSTS; (2) THE ACTUAL POSTAGE PAID TO THE UNITED STATES POSTAL SERVICE AND PRINTING EXPENSE IN CONNECTION WITH THE SOLICITING OF CONTRIBUTIONS, NOR SHOULD THESE COSTS BE INCLUDED AS FUND-RAISING COSTS.

(C) EVERY CONTRACT OR AGREEMENT BETWEEN A PROFESSIONAL FUND-RAISER COUNSEL OR A PROFESSIONAL SOLICITOR AND A CHARITABLE ORGANIZATION SHALL BE IN WRITING, AND A COPY OF IT SHALL BE FILED WITH THE SECRETARY OF STATE WITHIN TEN DAYS AFTER IT IS ENTERED INTO AND PRIOR TO ANY SOLICITATIONS.

[[(D) EVERY CONTRACT BETWEEN A CHARITABLE ORGANIZATION AND A PROFESSIONAL SOLICITOR SHALL BE IN WRITING, AND A COPY OF IT SHALL BE FILED WITH THE SECRETARY OF STATE WITHIN TEN DAYS AFTER IT IS ENTERED INTO. IF THE CONTRACT DOES NOT PROVIDE FOR COMPENSATION ON A PERCENTAGE BASIS, THE SECRETARY OF STATE SHALL EXAMINE IT TO ASCERTAIN WHETHER THE COMPENSATION WHICH MAY BE PAYABLE BY THE CHARITABLE ORGANIZATION IS LIKELY TO EXCEED 25 PERCENT OF THE TOTAL GROSS INCOME RAISED OR RECEIVED AS A RESULT OF SERVICES PERFORMED BY THE PROFESSIONAL SOLICITOR. IF THE SECRETARY OF STATE DETERMINES THAT THE COMPENSATION IS LIKELY TO EXCEED THAT AMOUNT, HE SHALL DISAPPROVE THE CONTRACT WITHIN TEN DAYS AFTER IT IS FILED. A REGISTERED CHARITABLE ORGANIZATION OR PROFESSIONAL SOLICITOR SHALL NOT CARRY OUT OR PERFORM UNDER A DISAPPROVED CONTRACT. ANY PARTY TO A DISAPPROVED CONTRACT, UPON WRITTEN REQUEST MADE WITHIN 30 DAYS OF DISAPPROVAL, SHALL BE GIVEN A HEARING BEFORE THE SECRETARY OF STATE WITHIN 30 DAYS AFTER THE REQUEST IS FILED.