## State of California Office of Administrative Law

In re:

Department of Justice

Regulatory Action:

Title 11, California Code of Regulations

Amend sections: 25 (28.4)

NOTICE OF FILING AND PRINTING ONLY

**Government Code Section 11343.8** 

OAL Matter Number: 2024-0531-01

OAL Matter Type: File and Print Only (FP)

This action by the Department of Justice is a request to file with the Secretary of State an amended version of the Attorney General surety bond form entitled "Registry of Charities and Fundraisers Surety Bond Form," and to note the repeal of the existing version of that form, entitled "Registry of Charitable Trusts Surety Bond Form." The Department of Justice also requests to make corresponding revisions to the name of the form where it is referenced at "section 28.4" within title 11, section 25 of the California Code of Regulations.

OAL filed this regulation and the amended form(s) with the Secretary of State, and will publish the regulation in the California Code of Regulations.

Date: June 17, 2024

Timothy Findley Senior Attorney

For:

Kenneth J. Pogue

Director

Original: Rob Bonta, Attorney General

Copy: Charles Tsai

#### CALIFORNIA DEPARTMENT OF JUSTICE

## TITLE 11. LAW DIVISION 1. ATTORNEY GENERAL CHAPTER 2. APPROVED SURETY BOND FORMS

#### TEXT OF PROPOSED REGULATIONS

The original text published in the California Code of Regulations has no underline. Changes are illustrated by <u>blue underline</u> for proposed insertions and <u>red strikethrough</u> for proposed deletions.

(Omitting subdivision (a))
(Omitting subdivision (b))
Preamble
Section
25.1. Certificate of AcknowledgmentIndividual
25.2. Certificate of Acknowledgment Signature
25.3. Certificate of AcknowledgmentCorporation and Surety
(omitting Article 1. Department of Food and Agriculture)
(omitting Article 2. Athletic Commission)
Article 3. Attorney General
Section
28.1. Undertaking on Leave to Sue

§ 25. The Forms Approved.

28.2. Telephonic Seller's Bond

28.3. Telephonic Seller's Premium Bond

- 28.4. Registry of Charitable Trusts Charities and Fundraisers Surety Bond Form
- 28.5. Performance Bond
- 28.6. Payment Bond to Accompany Construction Contract

(omitting Article 4. Department of Savings and Loan through Article 57. Department of Social Services)

Note: Authority cited: Sections 11110-11113, Government Code. Reference: Sections 11110-11113, Government Code. For specific reference, see the statutes cited on the individual bond form.

STATE OF CALIFORNIA CT-4CF (Rev. 01/2024)

> MAIL TO: Office of the Attorney General Registry of Charities and Fundraisers P.O. Box 903447 Sacramento, CA 94203-4470

STREET ADDRESS: 1300 I Street Sacramento, CA 95814

WEBSITE ADDRESS: www.oag.ca.gov/charities

#### ADOPT

DEPARTMENT OF JUSTICE
PAGE 1 of 4

## OFFICE OF THE ATTORNEY GENERAL REGISTRY OF CHARITIES AND FUNDRAISERS SURETY BOND FORM

Commercial Fundraiser for Charitable Purposes (Government Code section 12599.5)

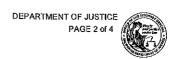
(For Registry Use Only)

Bond Number				
Premium \$	Term			
NOW ALL PERSONS BY THES	SE PRESENTS:			
That			Y.	-
		Name of Prin	cipal	
	or the name of			
as principal, doing business und	er the harrie or			
as principal, doing business undo	11.			
s a commercial fundraiser for ch	11.	ose address for ser	vice is	7IP
	11.			ZIP
s a commercial fundraiser for ch Street Address	naritable purposes, and wh	ose address for ser	vice is	- 1
s a commercial fundraiser for ch Street Address	naritable purposes, and wh	City  corporation authoriz	vice is State	- 1

are held and firmly bound to the State of California in the penal sum of the total amount of \$25,000 for the payment of which, we bind ourselves, our heirs, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the provisions of Section 12599.5 of the Government Code require that the principal file or have on file with the Registry of Charities and Fundraisers of the Department of Justice a bond in the amount of twenty-five thousand dollars (\$25,000) pursuant to Government Code section 12599.5. This bond is executed and tendered in accordance therewith.

NOW THEREFORE, the conditions of the foregoing obligation are that if the principal complies with the provisions of subdivision (a) of Section 12599 of the Government Code of the State of California, and pays all sums due any individual or group of individuals when such principal or its representative or agent has received such sums, and pays all damages occasioned to any person by unlawful acts, or omissions of the principal identified above, or of its agents or employees while acting within the scope of their employment, then this obligation is to be void; otherwise it is to remain in full force and effect.



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PROVIDED HOWEVER, this bond is issued subject to the following express conditions:

- 1. This bond shall be deemed continuous in form and shall remain in full force and effect for all liabilities incurred before, and for acts, omissions, or causes existing or which arose before, the cancellation or withdrawal of the Surety from the bond.
- 2. This bond is executed by the Surety to comply with the provisions of subdivision (a) of Section 12599 of the Government Code and of Chapter 2 (commencing with Section 995.010), Title 14, Part 2 of the Code of Civil Procedure and said bond shall be subject to all of the terms and provisions thereof.
- 3. The aggregate liability of the Surety hereunder on all claims whatsoever shall not exceed the penal sum of this bond in any event.
- 4. This bond may be canceled by the Surety in accordance with the provisions of Section 996.310 et seq. of the Code of Civil Procedure.
- 5. The Surety, its successors and assigns, are jointly and severally liable on the obligations of section 12599 of the Government Code.
- 6. The Principal and Surety may be served with notices, papers and other documents under Chapter 2 (commencing with section 995.010) Title 14, Part 2 of the Code of Civil Procedure and section 12599 of the Government Code, at the addresses given above.

Name of Officer or Business	Name of Surety
Address	Address
This bond is executed under an unrevol	ked appointment of power of attorney.
I certify (or declare) under penalty of pecorrect.	rjury under the laws of the State of California that the foregoing is true ar
Date	Signature of Attorney-In-Fact for Surety
	Printed or Typed Name of Attorney-In-Fact for Surety

# Office of the Attorney General Registry of Charities and Fundraisers Privacy Notice

#### As Required by Civil Code § 1798.17

Collection and Use of Personal Information. The Attorney General's Registry of Charities and Fundraisers (Registry), a part of the Public Rights Division, collects the information requested on this form as authorized by the Supervision of Trustees and Fundraisers for Charitable Purposes Act (Gov. Code, § 12580 et seq.) and regulations adopted pursuant to the Act (Cal. Code Regs., tit. 11, § 300 et seq.). The Registry uses the information in the administration and enforcement of the Act, including to register, renew, or update your organization's registration or to prepare reports pursuant to the Act. The Attorney General may also use the information for additional purposes, including in support of investigations and law enforcement actions, providing public access to information as required by the Act (Gov. Code, §§ 12587, 12587.1, 12590), and making referrals to other law enforcement agencies. Any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at <a href="https://www.oag.ca.gov/privacy-policy">www.oag.ca.gov/privacy-policy</a>.

**Providing Personal Information.** All the personal information requested in the form must be provided. An incomplete submission may result in the Registry not accepting the form, and cause your organization to be out of compliance with legal requirements to operate in California.

Access to Your Information. The completed form is a public filing that will be made available on the Attorney General's website at <a href="www.oag.ca.gov/charities">www.oag.ca.gov/charities</a> pursuant to the public access requirements of the Act. You may review the records maintained by the Registry that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

**Possible Disclosure of Personal Information.** In order to process the applicable registration, renewal, registration update, application, or report, we may need to share the information on this form with other government agencies. We may also share the information to further an investigation, including an investigation by other government or law enforcement agencies. In addition, the information is available and searchable on the Attorney General's website.

The information provided may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- To another government agency consistent with state or federal law.

**Contact Information.** For questions about this notice or access to your records, contact the Registrar of Charities and Fundraisers, 1300 I Street, Sacramento, CA 95814 at <a href="mailto:rct@doj.ca.gov">rct@doj.ca.gov</a>.

MAIL TO: Office of the Attorney General Registry of Charities and Fundraisers P.O. Box 903447 Sacramento, CA 94203-4470

STREET ADDRESS: 1300 I Street Sacramento, CA 95814

WEBSITE ADDRESS: www.oag.ca.gov/charities

#### INSTRUCTIONS FOR SUBMISSION OF CASH DEPOSIT OR SURETY BOND (Form CT - 4CF)

liberty and justice under law

#### WHO MUST SUBMIT A BOND

Every commercial fundraiser for charitable purposes, as defined in Government Code section 12599(a), in California must file a cash deposit or a surety bond issued by an admitted surety in favor of the state of California, in a form acceptable to the Attorney General.

#### WHEN TO FILE

Each application for registration or renewal of registration by a commercial fundraiser for charitable purposes must be accompanied by a bond as described above.

#### **BOND REQUIREMENTS**

The cash deposit or surety bond must be in the amount of twenty-five thousand dollars (\$25,000) and shall be for the benefit of any person damaged as a result of malfeasance or misfeasance in the conduct of the activities specified in subdivision (a) of Section 12599 of the Government Code. The bond may be in the form of a rider to a larger blanket liability bond.

STATE OF CALIFORNIA CT-4CF (Rev. 09/2017)

> MAIL TO: Office of the Attorney General Registry of Charitable Trusts P.O. Box 903447 Sacramento, CA 94203-4470

STREET ADDRESS: 1300 I Street Sacramento, CA 95814 (916) 210-7613

WEBSITE ADDRESS: www.oag.ca.gov/charities

#### REPEAL

DEPARTMENT OF JUSTICE
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## OFFICE OF THE ATTORNEY GENERAL REGISTRY OF CHARITABLE TRUSTS SURETY BOND FORM

Commercial Fundraiser for Charitable Purposes (Government Code section 12599.5)

(For Registry Use Only)

Bond Number				
Premium \$	Term			
KNOW ALL PERSONS BY TH	ESE PRESENTS:			
That				
		Name of Prin	cipal	
as principal, doing business ur	charitable purposes, and wh	nose address for ser	vice is	
Street Addres	SS	City	State	ZIP
	of Surety			surety
business in the State of Califor	nia, as surety, and whose a	ddress for service is		
Street Addre	SS	City	State	ZIP

are held and firmly bound to the State of California in the penal sum of the total amount of \$25,000 for the payment of which, we bind ourselves, our heirs, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the provisions of Section 12599.5 of the Government Code require that the principal file or have on file with the Registry of Charitable Trusts of the Department of Justice a bond in the amount of twenty-five thousand dollars (\$25,000) pursuant to Government Code section 12599.5. This bond is executed and tendered in accordance therewith.

NOW THEREFORE, the conditions of the foregoing obligation are that if the principal complies with the provisions of subdivision (a) of Section 12599 of the Government Code of the State of California, and pays all sums due any individual or group of individuals when such principal or its representative or agent has received such sums, and pays all damages occasioned to any person by unlawful acts, or omissions of the principal identified above, or of its agents or employees while acting within the scope of their employment, then this obligation is to be void; otherwise it is to remain in full force and effect.



PROVIDED HOWEVER, this bond is issued subject to the following express conditions:

- 1. This bond shall be deemed continuous in form and shall remain in full force and effect for all liabilities incurred before, and for acts, omissions, or causes existing or which arose before, the cancellation or withdrawal of the Surety from the bond.
- 2. This bond is executed by the Surety to comply with the provisions of subdivision (a) of Section 12599 of the Government Code and of Chapter 2 (commencing with Section 995.010), Title 14, Part 2 of the Code of Civil Procedure and said bond shall be subject to all of the terms and provisions thereof.
- 3. The aggregate liability of the Surety hereunder on all claims whatsoever shall not exceed the penal sum of this bond in any event.
- 4. This bond may be canceled by the Surety in accordance with the provisions of Section 996.310 et seq. of the Code of Civil Procedure.
- 5. The Surety, its successors and assigns, are jointly and severally liable on the obligations of section 12599 of the Government Code.
- 6. The Principal and Surety may be served with notices, papers and other documents under Chapter 2 (commencing with section 995.010) Title 14, Part 2 of the Code of Civil Procedure and section 12599 of the Government Code, at the addresses given above.

Name of Officer or Business	Name of Surety
Address	Address
This bond is executed under an unrevoke	ed appointment of power of attorney.
I certify (or declare) under penalty of perjorrect.	jury under the laws of the State of California that the foregoing is true and
Date	Signature of Attorney-In-Fact for Surety
	Printed or Typed Name of Attorney-In-Fact for Surety



### Office of the Attorney General Registry of Charitable Trusts **Privacy Notice**

As Required by Civil Code § 1798.17

Collection and Use of Personal Information. The Attorney General's Registry of Charitable Trusts

(Registry), a part of the Public Rights Division, collects the information requested on this form as authorized by the Supervision of Trustees and Fundraisers for Charitable Purposes Act (Gov. Code § 12580 et seg.) and regulations adopted pursuant to the Act (Cal. Code Regs., tit. 11, §§ 300-316). The Registry uses the information in the administration and enforcement of the Act, including to register, renew, or update your organization's registration or to prepare reports pursuant to the Act. The Attorney General may also use the information for additional purposes, including in support of investigations and law enforcement actions, providing public access to information as required by the Act (Gov. Code §§ 12587, 12587,1, 12590), and making referrals to other law enforcement agencies. Any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The Department of Justice's general privacy policy is available at www.oag.ca.gov/ privacy-policy.

Providing Personal Information. All the personal information requested in the form must be provided. An incomplete submission may result in the Registry not accepting the form, and cause your organization to be out of compliance with legal requirements to operate in California.

Access to Your Information. The completed form is a public filing that will be made available on the Attorney General's website at www.oag.ca.gov/charities pursuant to the public access requirements of the Act. You may review the records maintained by the Registry that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. In order to process the applicable registration, renewal, registration update, application, or report, we may need to share the information on this form with other government agencies. We may also share the information to further an investigation, including an investigation by other government or law enforcement agencies. In addition, the information is available and searchable on the Attorney General's website.

The information provided may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- To another government agency consistent with state or federal law.

Contact Information. For questions about this notice or access to your records, contact the Registrar of Charitable Trusts, 1300 I Street, Sacramento, CA 95814 at rct@doj.ca.gov or (916) 210-6400.

MAIL TO: Office of the Attorney General Registry of Charitable Trusts P.O. Box 903447 Sacramento, CA 94203-4470

STREET ADDRESS: 1300 I Street Sacramento, CA 95814 (916) 210-7613

WEBSITE ADDRESS: www.oag.ca.gov/charities

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