

**OP. NO. 04-076**

**RELIGIOUS AND CHARITABLE MATTERS; CEMETARIES:  
SOLICITATION OF CONTRIBUTIONS.**

**Requirement that charitable organization resubmit initial registration with payment of \$100 initial fee and required annual registration fee when registration with Commissioner of Agriculture and Consumer Services lapses absent request for extension.**

The Honorable Robert G. Marshall  
Member, House of Delegates  
November 12, 2004

**Issue Presented**

You ask whether § 57-49(E), which assesses registration fees for charitable organizations intending to solicit contributions in Virginia, requires payment of the \$100 initial fee by a charitable organization that has allowed its registration to lapse.

**Response**

It is my opinion that a charitable organization that allows its registration with the Commissioner of Agriculture and Consumer Services to lapse, without requesting an extension of time to file, must resubmit an initial registration and pay the initial fee of \$100 and the required annual registration fee.

**Background**

Your letter relates to an organization that registered as a charitable organization with the Commissioner of Agriculture and Consumer Services ("Commissioner"). It is my understanding that this organization allowed its registration to lapse by not filing a registration renewal, or requesting an extension of time to file. You relate that representatives of the Office of Consumer Affairs within the Department of Agriculture and Consumer Services subsequently informed the organization that it would need to resubmit an initial registration, including an initial fee of \$100 and the required annual registration fee.

**Applicable Law and Discussion**

Section 57-49(A) requires "[e]very charitable organization, ... which intends to solicit contributions within the Commonwealth, or have funds solicited on its behalf, ... [to] file an initial registration statement with the Commissioner." Section 57-49(E) addresses the annual registration fee amounts for such charitable organizations. Section 57-49(E) provides a sliding scale for the annual registration fee ranging from \$30 to \$325. The annual fee is based on the amount of gross contributions the organization received for the preceding year. "Organizations with no prior financial history filing an initial registration shall be required to pay an initial fee of \$100. Organizations with prior financial history filing an initial registration shall be required to pay an initial fee of \$100 in addition to the annual registration fee."<sup>1</sup> Finally, § 57-49(E) provides that "[a]ny organization which allows its registration to lapse, without requesting an extension of time to file, shall be required to resubmit an initial registration."

As a general rule, "[w]here the language of a statute is clear and unambiguous rules of statutory construction are not required."<sup>2</sup> Following the plain language of the statute, it is clear that an organization which allows its registration to lapse, without first requesting an extension of time to file, must resubmit an initial registration. It is equally clear that an organization with a prior financial history filing an initial registration must pay both the initial fee of \$100 and the required annual registration fee.

### **Conclusion**

Accordingly, it is my opinion that a charitable organization that allows its registration with the Commissioner of Agriculture and Consumer Services to lapse, without requesting an extension of time to file, must resubmit an initial registration and pay the initial fee of \$100 and the required annual registration fee.

<sup>1</sup>Va. Code Ann. § 57-49(E) (LexisNexis Repl. Vol. 2003).

<sup>2</sup>See *Ambrogio v. Koontz*, 224 Va. 381, 386, 297 S.E. 2d 660, 662 (1982); 2003 Op. Va. Att'y Gen. 18, 19.

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