

MEMORANDUM

TO: Oversight of Charities Drafting Committee Members, Advisors, Observers,
Reporters, Robert Stein, Michael Houghton, John Sebert,
Division Chair Barry Hawkins

FROM: K. King Burnett

DATE: October 19, 2010

RE: Oversight of Charities Act Meeting – November 5, 2010

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Separately, you have received Susan Gary's updated draft plus a summary of the comments received at the Annual meeting and a memo concerning application to religious organizations.

I would like each of you to review the law of your jurisdiction and obtain copies of the law and any regulations relating to the process the Attorney General uses for civil investigative demands. We have a legislative note in Section 4 which contains detailed provisions which we have not yet discussed. We need to treat this legislative note with the same care as we do statutory language. Of course, whether rules relating to powers of attorney general in terms of discovery, compelling testimony and the like could also be included in the statute itself. We need to have a better handle on whether the states have general rules under which it operates in connection with all of its authority, or whether they are limited to certain action such as consumer protection. In a few states, there may be special investigation rules applicable to oversight of charities.

Observers and advisors attending are also invited to provide materials on this subject or any other subject.

The Oversight of Charities Act is scheduled for final reading next summer. A great deal of work is needed during this year to make that possible. I have scheduled our upcoming meeting to include a Sunday morning session to be sure that we have gotten through every issue that we should discuss and arrived at tentative or final changes. Please make your travel arrangements with this in mind. Our second meeting will be scheduled during the winter or early spring. Presumably, that is all the meetings we will have of the committee before the Annual Meeting. Susan Gary will have an opportunity to improve the coverage of the comments between the date of our upcoming meeting and the next, and probably last, drafting committee meeting. All receiving this memorandum are also invited to make suggestions as to additional content that would be helpful in the comments.

I look forward to seeing you all in Chicago as we start our meeting at 9 a.m. on Friday, November 5, 2010.