



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
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Letitia James
Attorney General

Division of Social Justice
Charities Bureau

July 6, 2020

BY: First Class Mail and
Email: info@BLMFoundation.org

TO: Mr. Robert Ray Barnes, President
Black Lives Matter Foundation
19197 Golden Valley Road
Santa Clarita, CA 91387

RE: NOTICE/ NEW YORK REQUIREMENTS FOR SOLICITING CHARITABLE CONTRIBUTIONS AND HOLDING CHARITABLE ASSETS

Dear Mr. Barnes:

It is our understanding that the Black Lives Matter Foundation is the subject of a Cease and Desist Order dated December 2, 2019 from the State of California, Department of Justice. Pursuant to that Order, the Black Lives Matter Foundation was directed to Cease and Desist from "all solicitations for charitable purposes." In addition, the California Department of Justice directed that "No charitable assets may be disbursed without prior written approval from the (California) Attorney General's Office."

Our review of the California Attorney General's website (rct.doj.ca.gov) discloses your notice of appeal from the California Attorney General's Cease and Desist dated December 27, 2019, stating that the failure to file was the result of fire conditions in the Santa Clarita, California area. No further records are available on that website. Based on that website, it is our understanding that the Black Lives Matter Foundation first was sent a Notice to Register in February 2018 and was sent a final Notice to Register in March of 2018.

On May 24, 2018, the California Attorney General sent a letter to Black Lives Matter Foundation and the California Franchise Tax Board "notifying the Franchise Tax Board to revoke

the tax exempt status of” Black Lives Matter Foundation because of its failure to register. According to the website of the California Franchise Board - <https://www.ftb.ca.gov/file/business/types/charities-nonprofits/revoked-entity-list.html> - Black Lives Matter Foundation’s tax exemption was revoked on May 30, 2019, Our understanding from public news sources is that the Black Lives Matter Foundation may be continuing to receive charitable contributions despite the multiple notices to register, entry of the Cease and Desist Order and revocation of its state tax exemption.

PLEASE TAKE NOTICE THAT Section 172 of Article 7-A New York's Executive Law (“Article 7-A”), requires charitable organizations that solicit contributions in New York State to register and file annual financial reports and, depending on the amount of their revenue, annual audited financial statements with the Attorney General’s Charities Bureau.

PLEASE TAKE FURTHER NOTICE THAT Black Lives Matter Foundation has not registered with the Charities Bureau. Solicitation of contributions in New York is an activity in which unregistered organizations are prohibited to engage.

PLEASE TAKE FURTHER NOTICE THAT the Attorney General of the State of New York, through her Charities Bureau, is authorized to investigate transactions and relationships of charitable trustees for the purpose of determining whether property held for charitable purposes “has been and is being properly administered,” New York Estates, Powers, and Trusts Law (“EPTL”) §8-1.4 (i), and that officers, directors, and fiduciaries of entities holding charitable assets contributed by New Yorkers are “charitable trustees” for purposes of the EPTL.

PLEASE TAKE FURTHER NOTICE THAT Black Lives Matter Foundation must immediately cease any solicitation of contributions and any other fundraising activities in New York in which it is engaged. Further, Black Lives Matter Foundation must notify any third parties engaged in solicitation or fundraising activities on its behalf in New York that they must cease such activities immediately.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to section 172 of Article 7-A, Black Lives Matter Foundation, in order to solicit contributions in New York, must register with the Charities Bureau via the online registration portal posted at https://www.charitiesnys.com/charities_new.html within fifteen (15) days of this notice.

PLEASE TAKE FURTHER NOTICE THAT if Black Lives Matter Foundation engaged in charitable solicitation or other fundraising activity in New York during any year prior to 2020, it must in file all delinquent financial reports as required by section 172-b of Article 7-A for such years within fifteen (15) days of this notice.

PLEASE TAKE FURTHER NOTICE THAT the failure to discontinue solicitation immediately and the failure to refrain from receiving or disbursing contributions from New York residents, and failure to register and file all reports required pursuant to Article 7-A or the EPTL with the Charities Bureau shall be deemed a continuing violation of the laws of New York.

All forms must be properly certified, complete and accurate. Any person who swears falsely to any document required by Article 7-A of the Executive Law, or the EPTL, to be signed under penalties for perjury may be guilty of a crime under the New York Penal Code.

Additional information concerning registration and forms and information concerning annual filing obligations are available online at www.CharitiesNYS.com.

If you have any questions concerning this notice, you may contact me at (212) 416-8490, or at james.sheehan@ag.ny.gov. Please address any correspondence, including any filings pursuant to this notice, to me via email.

Sincerely,



James G. Sheehan
Bureau Chief
Charities Bureau