

Exploring an ASMFC sponsored 501(c)(3)

July 25 2013

Background

Decreased funding for fisheries management, science, and habitat restoration leave a void for continuing fundamental activities such as fishery-independent surveys and strategic fish habitat restoration. A potential mechanism for addressing shortfalls is through foundational support to the Commission and its partners via a 501(c)(3) or other charitable structure.

Prominent examples of currently underfunded programs are the Horseshoe Crab Benthic Trawl Survey and the Atlantic Coastal Fish Habitat Partnership (ACFHP). The Horseshoe Crab Survey will likely not occur in 2013 if funding is not identified by early summer. The Fish Habitat Partnership has operational support only through the end of 2013 and relatively limited funding for habitat restoration projects. Historically, support for the Survey and ACFHP has been provided via federal grants. Federal funding through the Multistate Conservation Grant Program has allowed ACFHP to achieve a number of accomplishments including the development of a coast-wide fish habitat conservation strategic plan, scientific tools that support habitat conservation decisions, and a broad outreach and communications program. Additionally, through a partnership with the USFWS and the National Fish Habitat Partnership, since 2010 ACFHP has provided funding for seven on-the-ground passage and fish habitat restoration projects in multiple Atlantic states.

The changing fiscal environment has led to the reduction of funding to federal programs, making operational and restoration project funds more difficult to secure. As a result, the Fish Habitat Partnership is considering how it might secure funding through non-federal avenues in order to maintain, and potentially increase its current activities, thereby improving its ability to restore and protect Atlantic coastal fish habitat. Other avenues include granting entities such as private foundations and corporate giving programs

Based on initial research foundations generally prefer to give to organizations that have 501(c)(3) status.

Goals and Actions

- Consider the pros and cons of establishing a 501(c)(3) through ASMFC
- Establish a more diverse and flexible ASMFC funding portfolio
- Maintain current or increase funding to ASMFC programs

Potential Concerns

- Would 501(c)(3) status and the source of donations create a real or perceived bias among stakeholders?
- Would 501(c)(3) status affect Commissioners' effectiveness when lobbying Congress for funding?

Structure and Function

If a 501(c)(3) is established, a Board would be designated for multiple purposes:

- 1) Identify potential foundational or other funding sources whose priorities are consistent with the Commission's.
- 2) Assist the Executive Director and staff in pursuing funding from identified sources.
- 3) Act as the decision-making body to determine which programs or projects receive donated funds.

One option for Board membership would be a small number of Commissioners, the Commission's Executive Director, and a small number of ACFHP Steering Committee members from the states and NGOs. Note federal representatives are not permitted to serve on 501(c)(3) Boards. The Executive Director, with assistance from staff, would have primary responsibility for pursuing foundational support.

Pending Decision

Does the Administrative Oversight Committee/Executive Committee want to further pursue the creation of an Atlantic States Marine Fisheries Commission sponsored 501(c)(3), to enable the Commission to receive programmatic funding from new, alternative non-federal sources?

Executive Committee Meeting – May 2013

At its meeting on May 23, 2013, the Executive Committee reviewed the above information and discussed the potential to establish a 501(c)(3). The Executive Committee agreed the concept may have some merit; however a number of concerns were raised. The Chair appointed a subcommittee of Spud Woodward, Jim Gilmore and Leroy Young to work with the Executive Director on this issue and report back to the Executive Committee at its next meeting.

501(c)(3) Subcommittee Meeting

The Subcommittee met via conference call on July 7, 2013. All three members of the subcommittee and Bob Beal and Pat Campfield were on the call.

The call was initiated with a review of the background on the issue and the charge from the Executive Committee. Overall, the Subcommittee agreed the Commission should continue to explore the concept but proceed cautiously and deliberately.

The Subcommittee made two overarching recommendations:

- An analysis should be completed that details the options and impacts of forming a Commission 501(c)(3). This analysis will be similar to the document produced to explore the formation of a 501(c)(3) within the National Fish Habitat Partnership (attached). The analysis should include a strategy for phasing in a Commission 501(c)(3) to allow review and reconsideration as the project comes on-line.
- The Commission and ACFHP staff should explore the potential to form a 501(c)(3) entity under the umbrella of the National Fish Habitat Partnership. This option will likely limit the Commission's flexibility and funds will only be able to be used for habitat projects. However, this option may address a number of the concerns presented above (e.g. perceived biases, lobbying impacts, etc.).

The Subcommittee also urged consideration of the following issues as this process moves forward:

- Membership of oversight board is critical
- Oversight board should be comprised of individuals with knowledge of Atlantic fisheries and the ability to access potential sources of funding.
- Consideration needs to be given for overlap of membership between Commissioners and oversight board
- Establishment of criteria to rank projects to remove (real or perceived) bias of board members
- Perception and “growing pains” take a lot of resources to address
- The more advance planning that is done will address may future difficulties
- A slow incremental approach is reasonable, possibly start with habitat only at first
- Need to make the separation from ASMFC and ACFHP very clear



501(c)(3) Project Analysis

Prepared for the National Fish Habitat Board

June 2013

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1 EXECUTIVE SUMMARY

1.1 Background

This paper is an analysis of three options for the creation of a 501(c)(3) not-for-profit¹ corporation to support the National Fish Habitat Partnership. The paper develops these options based on presentations given to the National Fish Habitat Board at meetings in October 2012 and February 2013 and other materials.

The options are:

1. operate strictly based on the Board's charter
2. operate under the current model--or "status quo"--in a fiscal sponsorship arrangement
3. phase in the establishment of a not-for-profit corporation.

These three options can be considered in the context of a continuum for long-term program development in the charitable arena. Many non-profit organizations started off as distinct programs with a specific set of objectives that were "sponsored" by other organizations. Over time they grow and add their own governance structures and operational tools. Eventually many of them spin off from their original fiscal sponsors and incorporate as non-profits. The National Fish Habitat Partnership is on a similar path.



FIGURE 1. LIFE-CYCLE OF CHARITABLE PROGRAMS

This analysis is organized around a series of issues that are somewhat typical in analyzing whether or not to form a not-for-profit corporation and were identified by board member Mike Andrews as follows:

TABLE 1. KEY ISSUES ADDRESSED IN THE ANALYSIS

Benefits	Risks	Costs
Funding	Span of Control	Financial
Branding	Liability	Efficiencies
Advocacy	Agility	Prospective Costs

In addition, each of the benefits is analyzed in the context of a set of organizational objectives that are based on existing Board operations and/or strategies and actions identified in the *National Fish Habitat Action Plan, 2nd Edition*.

¹ "Not-for-profit" is used interchangeably with the common shorthand "non-profit" for readability purposes, though the term "non-profit" is not technically accurate; non-profits do, and should, earn excess revenue.

1.2 Recommendation

We recommend a deliberate yet phased approach to establishing a 501(c)(3) non-profit corporation to support the National Fish Habitat Partnership. This is based on three major needs:

- providing a group tax exemption umbrella for at least 17 FHPs²
- providing cost efficiencies for the National Fish Habitat Board
- establishing direct fundraising abilities at the national level.

The phased approach requires a series of check-ins along a path to full operation for the non-profit. A phased approach creates immediate cost efficiencies while providing the tangible benefit of an umbrella non-profit status for the FHPs. It is also realistic in managing the corporation start-up process.

Staff recommends that the Board approve the following motion:

The National Fish Habitat Partnership staff is charged with working to establish a 501(c)(3) not-for-profit corporation using a phased, check-in approach. A workgroup of Board members is created to work with staff on this project. The workgroup is charged with oversight and with approval for moving to each step.

Staff shall work with partners to minimize the start-up costs for the corporation, but may use non-federal funds not to exceed \$5,000 to complete the incorporation and tax exemption. If additional funds are required, staff must request approval for that expenditure from the National Fish Habitat Board.

The phased approach includes three steps:

1. *Project initiation and document creation.*
 - *establish a board workgroup*
 - *draft and finalize articles of incorporation and bylaws*
 - *establish a name*
2. *Incorporation*
 - *secure a registered agent*
 - *secure a Federal Employer Identification Number*
 - *select the incorporators and the initial board of directors*
 - *adopt a governance model and record keeping system for official records*
 - *register with state unemployment bureau*
 - *obtain directors' and officers' liability insurance.*
3. *Tax exempt application.*
 - *submit a tax exemption request to secure group exemption for the new corporation and the FHPs*
 - *file for state and/or local tax exemptions*
 - *file for charitable solicitation*
 - *apply for non-profit mailing permit*

2 BACKGROUND AND KEY ISSUE AREAS

Staff presented information on the development of a not-for-profit corporation (non-profit) at two board meetings in October 2012 and February 2013. The value of a non-profit to the National Fish Habitat Partnership was discussed while considering some important concepts, including:

- the current structure of the National Fish Habitat Board (NFHB)
- how the NFHB operates and handles its finances, and
- the role of federal agency representatives to the NFHB.

² The Reservoir Fisheries Habitat Partnership has already established a not-for-profit corporation, Friends of Reservoirs.

It was clear from the discussions that the current National Fish Habitat Board, which comprises individuals from state and federal agencies as well as other non-profits, would not be able to become a non-profit itself since federal employees would be barred from serving. A model was developed to show how a “related organization” could provide the services and tools needed by the National Fish Habitat Partnership (national partnership) and the regional Fish Habitat Partnerships (FHPs).

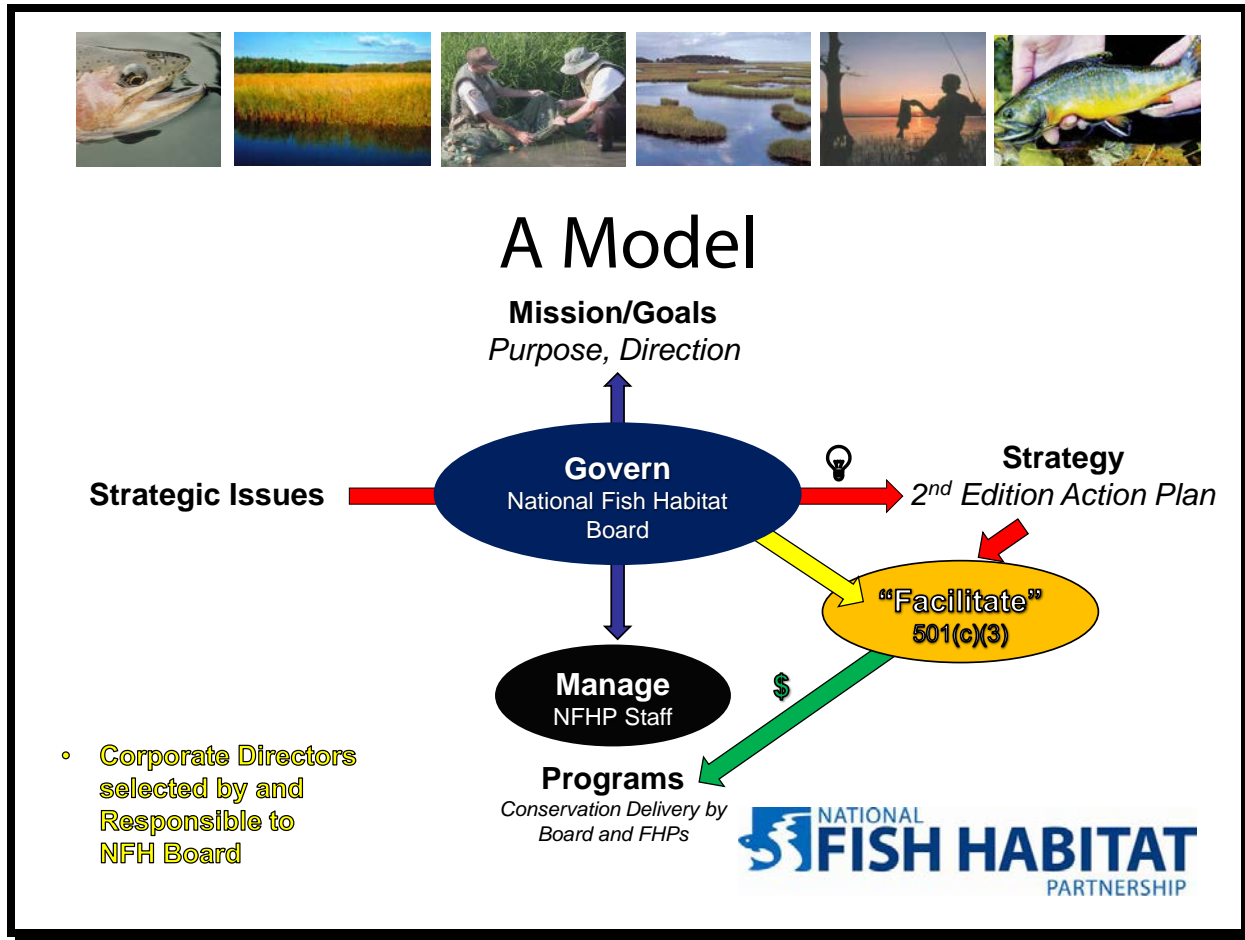


FIGURE 2. MODEL FOR A NOT-FOR-PROFIT CORPORATION'S RELATIONSHIP TO THE OVERALL NFHP EFFORT

Following the February 2013 meeting, the NFHB asked the staff to develop a decision support document that would look closely at the National Fish Habitat Conservation Act (NFHCA) as a framework for a decision on establishing a non-profit. The NFHB also asked for a set of clear objectives and options with analysis. This paper considers those questions based on the model identified above.

We will examine in detail the benefits, risks, and costs associated with each option. The key issues are examined below. The benefits are further defined with objectives that could be met through a non-profit corporation.

2.1 Fundraising

Clearly a major function of a non-profit will be fundraising. It is important to have a sense of the Partnership's overall financial requirements, and thus be aware of the range of fundraising required by a non-profit.

Revenues for the Partnership are currently derived from (1) USFWS funds of approximately \$7 million annually, (2) voluntary state agency contributions, and (3) Multi-state Conservation Grants (MSCGs) administered jointly by the USFWS and AFWA. In addition, the FHPs receive support from competitive state and federal grant programs, local and regional sponsorships, National Fish and Wildlife Foundation and other foundation grants, and direct and in-kind contributions. Combined, these sources are clearly insufficient to provide the long-term funding necessary to meet the objectives laid out in the *National Fish Habitat Action Plan, 2nd Edition*.

While the Board has not completed an overall financial analysis which identifies revenue targets associated with detailed programmatic or project needs, there are four broad areas for funding:

1. FHP operational requirements
2. FHP conservation projects
3. National-level science and data requirements
4. Board operational requirements.

A cursory review of these requirements leads to an easy conclusion that the Partnership requires somewhere in the \$20-40 million range for an annual operating budget. While this is not immediately achievable, it is a starting point towards establishing a long-term goal (perhaps by 2020). A new non-profit structure must be designed to give us the ability to reach that goal.

There are three fundraising avenues that a non-profit could pursue. These include:

1. Individual contributions -- generally require an organization to hold 501(c)(3) exemption in order to make charitable contributions attractive to individuals.
2. Foundation grants – foundations are generally restricted to only funding 501(c)(3) organizations.
3. Corporate sponsorship or cause marketing – while not necessarily restricted to 501(c)(3) organizations, corporations generally prefer funds to be received by charitable organizations.

Fundraising has been limited under the existing operational model and has been largely restricted to federal cooperative agreements and grants, with additional funds from state government.

TABLE 2. FUNDRAISING OBJECTIVES

Fundraising Objectives
Secure sufficient funding to support the basic operations of 18 FHPs while increasing the level of project funding available to each FHP.
Secure sufficient funding for the science and data needs of the Partnership.
Secure sufficient direct funding for the operations of the National Fish Habitat Board.
Establish financial controls and accounting procedures that maximize the level of funding for the objectives above while creating Partnership-wide cost efficiencies.

2.2 Branding

With limited resources, the Board is currently unable to distinguish itself in a crowded field of conservation organizations that compete for limited governmental, foundation, and corporate funding. In order to be successful in fundraising, the Board must invest in its brand identity. This is a clear and achievable task that could be managed effectively through a board-affiliated non-profit.

The National Fish Habitat Board recently decided to focus the identity of the national conservation effort embedded in the action plan on the “National Fish Habitat Partnership” brand. While modest strides have been made to reframe our efforts and draw greater attention from government officials and the public, a tremendous amount of work still needs to be done. In addition, the Board is currently seeking opportunities to expand the identity of its signature public awareness effort, the *10 Waters to Watch* campaign.

TABLE 3. BRANDING OBJECTIVES

Branding Objectives
Leverage the National Fish Habitat Partnership into a top-of-mind habitat conservation brand in the conservation community and with anglers.
Leverage the 10 Waters to Watch campaign into an annual public relations endeavor that provides the counterpart to American Rivers’ Most Endangered Rivers campaign.

2.3 Advocacy

The National Fish Habitat Partnership relies on its Partner Coalition of approximately 2800 affiliated organizations to serve as its grassroots network. This is a typical coalition model that provides the national partnership with greater reach than it would have by developing its own membership base.

To date, the coalition has not been used very effectively to mobilize advocacy support for the National Fish Habitat Conservation Act, the Board’s signature legislation. In addition, the Board has not developed an overall strategy to engage the network in broadening the community of support for fish habitat conservation³.

Many non-profit board members incorrectly believe 501(c)(3) organizations are barred from lobbying. It is important to note that non-profit organizations are able to lobby with certain restrictions⁴.

TABLE 4. ADVOCACY OBJECTIVES

Advocacy Objectives
Secure passage of the National Fish Habitat Conservation Act and annual appropriations to support the Act, and increase annual appropriations for aquatic habitat conservation overall through education and advocacy.
Leverage the National Fish Habitat Partnership Coalition into an effective voice for fish and aquatic habitat conservation at the federal and state level.

³ Objective 3, *National Fish Habitat Action Plan, 2nd Edition*.

⁴ Restrictions are set by the IRS. The common rule of thumb is not-to-exceed 20 percent of annual revenue.


















2.4 Span of Control

Span of control is used to refer to the roles and responsibilities of the National Fish Habitat Board, its staff, and the non-profit. While these roles and responsibilities are relatively straightforward, it is important to clearly identify the areas for which each entity has control. If we were not to place limits on the span of control of each entity, there would be the potential for long-term conflicts between the parties.

Of particular interest is protecting and maintaining the existing role of the National Fish Habitat Board, particularly in setting direction for the National Fish Habitat Partnership, national policy, and national science and data issues.

Based on the model developed for the Board earlier (see Figure 2), the span of control for the National Fish Habitat Board, its staff, and an affiliated non-profit is summarized as:

TABLE 5. SPAN OF CONTROL

	National Fish Habitat Board	Affiliated 501(c)(3)	NFH Board Staff
Aquatic Habitat Conservation National Policy			
Coordination of the Partnership/Partnership Communications			
Fundraising			
Brand Development and Marketing			
Advocacy			
FHP Review and Approval			
FHP Guidance			
FHP Umbrella Non-Profit			
Conservation Project Support			
Science and Data			

2.5 Liability

Forming a non-profit corporation protects the directors, officers, and members of the non-profit from personal liability for the corporation's debts and other obligations. Called limited liability, this shield ensures that anyone who obtains a judgment against the non-profit can reach only the assets of the corporation, not the bank accounts, houses, or other property owned by the people who manage, work for, or participate in the business.

Another important function for a non-profit corporation is to provide 501(c)(3) status to the 17 FHPs that currently do not have the status, through an umbrella relationship. In essence, the national non-profit would provide group exemption for affiliate "chapters" under an affiliation agreement. This would provide liability protection to the FHPs, reduce paperwork, eliminate redundant costs, and allow the FHPs to operate as autonomous units.

2.6 Agility

A non-profit corporation would provide the National Fish Habitat Partnership with a tool that could increase its overall agility, which is defined as the Partnership's ability to react to changing circumstances by taking advantage of strategic opportunities.

A non-profit corporation should be structured with relatively flexible organizational policies and governance to allow it to be proactive in the fundraising market place while pursuing its strategic objectives for advocacy and branding.

2.7 Financial Costs

It is anticipated that the start-up costs for establishing a non-profit would be up to \$10,000 or more in attorney fees plus IRS filing fees of \$750 and state fees. Some or all of these costs might be donated or provided in-kind by partners.

In addition to start-up costs, the long-term general and administrative (G&A) costs for a non-profit must be considered. The following expense list is based on an estimate of G&A requirements for a three person organization in the DC region, excluding labor costs.

TABLE 6. SAMPLE GENERAL AND ADMINISTRATIVE COSTS

Expense	Amount
Rent (\$55/ft x 500/ft)	\$27,500
Supplies	\$2000
Duplication	\$5000
Insurance	\$4000
Bank Fees	\$3000
Telephone	\$2500

Expense	Amount
Audit	\$10,000
IT	\$2000
Website	\$2000
Contingency	\$2000
Meeting Expenses	\$5000

It is important to remember, however, that these costs will be met through indirect cost recovery on grants and cooperative agreements managed by the non-profit. These costs are already incurred in current operations under the status quo model with the costs largely invisible under the affiliation agreements with the Association of Fish and Wildlife Agencies and the National Fish and Wildlife Foundation. The National Fish Habitat Board is currently paying between seven and 24 percent of its revenues to cover indirect costs. In 2013, as an example, that is estimated to be approximately \$65,000.

2.8 Efficiencies

During the January 2013 FHP Organizational Development Workshop, there was significant interest expressed in the value of an umbrella non-profit to the FHPs. Efficiencies are discussed in that context.

Efficiencies can be found for the overall National Fish Habitat Partnership by consolidating the administrative requirements of the National Fish Habitat Board and at least 17 FHPs (one FHP has already gone through the expense of establishing its own non-profit corporation). As identified above the National Fish Habitat Board is already assuming general and administrative costs of approximately \$65,000 annually. A new non-profit must operate within the existing G&A cost structure thus holding the line on short-term operational costs. Those costs will be continuous for as long as the National Fish Habitat Partnership is in operation but ultimately will rise based on the program structure of the non-profit plus inflation. From an efficiency perspective those prospective costs can be leveraged by providing the benefits of non-profit status to 17 FHPs.

In addition, securing one umbrella non-profit organization would limit the upfront expenses the FHPs would otherwise incur if they pursue their own non-profits. A back-of-the-envelope calculation would suggest that one non-profit would save a minimum of \$85,000 in start-up costs (appx. \$5000 x 17) and annual G&A costs of over \$750,000 (appx. \$45,000 x 17).

2.9 Prospective Costs

The long-term costs of operating a non-profit are generally unknown at this time, but there are certain long-term costs that must be considered. The chart below identifies some expected cost areas along with some assumptions for the Board to consider.

TABLE 7. LONG-TERM COST ASSUMPTIONS

Expense	Considerations
<p style="text-align: center;">Personnel</p>	<p>It is assumed that a small non-profit, based in DC, would operate with a small staff. We would build a staff that could ultimately include a manager, a project specialist, and a communications and marketing coordinator geared at fulfilling the role of the non-profit. This would be done on a pay-as-you-go basis.</p>
<p style="text-align: center;">Travel</p>	<p>It can be assumed that the staff would be required to travel for NFHP purposes. As a comparison point, AFWA budgets appx. \$1750/trip for estimating purposes.</p>
<p style="text-align: center;">Programs</p>	<p>The programs of the non-profit, based on the span of control identified in this document, would include grassroots advocacy, marketing, fundraising, and conservation project support. These programs would be direct costs for the non-profit and would drive the overall budget structure.</p>

3 Fiscal Sponsorship vs. 501(c)(3)

This section lays out some of the distinctions between these two stages in program/organizational development. It is important to note, however, that the National Fish Habitat Board itself may already reside in a somewhat gray area between fiscal sponsorship and 501(c)(3) non-profit corporation status. The Board may in fact be operating as an unincorporated non-profit association (UNA) under the Uniform Unincorporated Non-Profit Act (UUNA) adopted by the District of Columbia.

An unincorporated nonprofit association is a legal entity distinct from its members and managers, which has perpetual duration unless the governing principles specify otherwise. An UNA has the same powers as an individual to do all things necessary or convenient to carry on its purposes and may engage in profit-making activities but profits from any activities must be used or set aside for the association's non-profit purposes.

3.1 501(c)(3) organizations

Organizations that meet the requirements of Internal Revenue Code section 501(c)(3) are exempt from federal income tax as “charitable, religious, educational, scientific, literary, testing for public safety, fostering national or international amateur sports competition, and preventing cruelty to children or animals. The term *charitable* is used in its generally accepted legal sense and includes relief of the poor, the distressed, or the underprivileged; advancement of religion; advancement of education or science; erecting or maintaining public buildings, monuments, or works; lessening the burdens of government; lessening neighborhood tensions; eliminating prejudice and discrimination; defending human and civil rights secured by law; and combating community deterioration and juvenile delinquency.”⁵

Contributions made to charitable organizations by individuals and corporations are deductible under Code section 170. Every exempt charitable organization is classified as either a *public charity* or a *private foundation*. Generally, organizations that are classified as public charities are those that:

1. are churches, hospitals, qualified medical research organizations affiliated with hospitals, schools, colleges and universities;
2. have an active program of fundraising and receive contributions from many sources, including the general public, governmental agencies, corporations, private foundations or other public charities;
3. receive income from the conduct of activities in furtherance of the organization’s exempt purposes; or
4. actively function in a supporting relationship to one or more existing public charities⁶.

Private foundations, in contrast, typically have a single major source of funding and most have as their primary activity the making of grants to other charitable organizations and to individuals, rather than the direct operation of charitable programs.⁷

3.1.1 Forming a Non-profit Corporation

Forming a non-profit corporation is very similar to forming a regular corporation: articles of incorporation are filed with a state’s corporations division, and federal and state applications for tax exemptions must be completed. The following steps need to be taken (not necessarily in this sequence):

1. Choose an available business name that meets the requirements of state law.
2. File formal paperwork, usually called articles of incorporation, and pay a small filing fee (typically under \$125).
3. Apply for your federal and state tax exemptions.
4. Create corporate bylaws, which set out the operating rules for your non-profit corporation.
5. Appoint the initial directors. (In some states you must choose your initial directors before you file your articles, because you must list their names in the document.)
6. Hold the first meeting of the board of directors.

Obtain licenses and permits that may be required for your corporation.

3.1.2 Who Plays Which Roles in Running a Non-profit Corporation?

Most non-profit corporations are run by a board of directors—called trustees in some states. The directors’ main role is to set policy for the non-profit and oversee areas like finance, strategic planning, and management-level hiring.

A non-profit corporation also has officers, who are usually appointed by the board of directors. Most non-profit corporations have a president, secretary, and treasurer, and some have other positions such as a vice-president or assistant secretary, depending on their needs and any state law requirements.

Officers may serve on the board of directors or they may be non-board members who play an active role in the day-to-day management of the non-profit. For example, the person appointed president could serve

⁵ <http://www.irs.gov/Charities-&-Non-Profits/Charitable-Organizations/Exempt-Purposes-Internal-Revenue-Code-Section-501%28c%29%283%29>

⁶ www.irs.gov

⁷ www.irs.gov

as the executive director of the non-profit in a paid staff position and be in charge of running the organization. Or the president could be the chair of the board (sometimes called the “president and chair of the board”) whose primary role would be to run board meetings and oversee board matters. The same is true for the treasurer and secretary or any other officer position. These positions can be filled by people in board advisory roles or by non-board members who are paid staff and actively running the corporation. How this is handled in any particular non-profit is usually determined by the organization’s articles of incorporation and bylaws. And some states have rules about officer positions—what officer positions are required, whether one person can hold more than one role, and whether paid officers can serve on the board.

Once an organization gets big enough, the board typically authorizes the hiring of a full slate of salaried personnel, including program staff, administrative assistants, and development staff.

3.1.3 Following the Rules on Corporate Behavior

Non-profit corporations must observe most of the same formalities as regular corporations. These include keeping good corporate records, holding and preparing minutes of directors’ (and possibly members’) meetings, and maintaining a separate bank account.

Unlike regular corporations, a non-profit corporation cannot distribute any profits to its members, or contribute money to political campaigns.

3.2 Fiscal sponsors

In the early 1990s, charities sought to maximize the ability of philanthropic entities to give by serving as “fiscal agents.” This would allow organizations with no tax status to receive grants to do so through the services of a fiscal agent. However, the term, “fiscal agent” was deemed a misnomer because it implied that the project controls the non-profit. Instead, “to comply with tax-exempt law, the relationship must be the reverse; the charity must be in the controlling position, and the nonexempt project must act so as to further the charity’s exempt purposes.”⁸

The reason for that is that the term “fiscal sponsor” more accurately describes a relationship in which the non-profit chooses to support a project. A fiscal sponsor is a tax-exempt, non-profit corporation that receives and disburses funds for organizations that lack or will never have non-profit status, or for organizations that are en route to becoming non-profits, but need to temporarily have a fiscal sponsor. Fiscal sponsors can provide administrative and financial oversight, and “assume legal and financial responsibility for the activities of groups or individuals engaged in work that furthers the fiscal sponsor’s mission.”⁹

The National Network of Fiscal Sponsors provides guidelines for comprehensive fiscal sponsorship.¹⁰ Key points are summarized below.

3.2.1 Comprehensive Fiscal Sponsorship Distinctions

The sponsored project becomes a program of the fiscal sponsor, (a distinct difference from the pre-approved grant relationship), and is a fully integrated part of the fiscal sponsor who maintains all legal and fiduciary responsibility for the sponsored project, its employees and activities. Any work product is available to the public or to the charitable sector. The fiscal sponsor assures funders that the purposes and any restrictions of all grants and/or contributions will be met.

⁸ http://www.fiscalsponsorship.com/images/WCTEO_Gregory-Colvin.pdf

⁹ http://www.tidescenter.org/fileadmin/tc_pdfs/n nfs/NNFS-Guidelines-for-Comprehensive-Fiscal-Sponsorship.pdf

¹⁰ Ibid.

3.2.2 Guidelines and Recommended Best Practices

1. Public Interest Mission and Program Focus—The fiscal sponsor expresses a clear mission intended to advance the public interest; programs and related activities support that mission.
2. Legal, Tax and Regulatory Compliance—The fiscal sponsor fulfills all legal, tax and regulatory requirements of philanthropic and charitable non-profit organizations and complies with the letter and the spirit of all laws.
3. Fiscal Integrity—The fiscal sponsor manages all funds, assets and other resources under its control with a high degree of responsibility, integrity, transparency and accountability.
4. Administrative and Operational Integrity—The fiscal sponsor manages all administrative duties and responsibilities professionally and with a high degree of integrity and accountability.
5. Board Accountability, Ethical Conduct and Governance—The fiscal sponsor’s board of directors governs ethically, avoiding conflicts of interest in conducting the affairs of the organization and in carrying out its legal, fiduciary and policy making responsibilities. This active and engaged board of directors serves as the ultimate governing body of all fiscally sponsored projects.
6. Assessing and Selecting Projects—The fiscal sponsor engages in a clear, systematic process when assessing and selecting projects for sponsorship.
7. Fiscal Sponsor Service Commitment to Projects—The fiscal sponsor pursues its public interest mission through the projects it sponsors; recognizes and respects project leaders for their knowledge, skill and expertise; and, places a high priority on encouraging and facilitating efficacy in its projects to achieve beneficial societal ends.
8. Expectations of Projects—The fiscal sponsor expects project leaders to adhere to clearly stated standards of ethical conduct, organizational policies and operational procedures.

3.3 Comparing Organizational Structures

Gregory Colvin, of Silk, Adler, and Colvin, (San Francisco, CA) is considered an authority on tax exempt organizations. He compared the factors that should be considered when an organization is debating the merits of different types of tax exempt structures.¹¹ Colvin’s assessment considers the existing capacity of an organization (staff, resources), the type of project for which funding is sought, governance attributes, waiting period, and the particulars relative to how each type of tax exempt structure functions.

TABLE 7. COMPARISON OF A 501 (C) (3) ORGANIZATION WITH A FISCAL SPONSOR¹²

	501(c)(3)	Fiscal Sponsorship
1. Best option for	Projects with funding assured; program has track record, administrative and financial staff in place	New, experimental, incubating projects wanting administrative and financial management
2. First step	Incorporate in a state	Find a fiscal sponsor
3. Application forms	IRS forms 1023 and SS-4, state forms, and attachments	Sponsor’s form proposal, budget, personnel list
4. Governing documents	Articles and bylaws	Fiscal sponsorship agreement
5. Governance	Your board of directors	Advisory committee, under sponsor’s board of directors
6. Control, independence	Your corporation is independent and autonomous	Sponsor has ultimate control, but much authority is delegated to advisory committee and project director

¹¹ Note: Colvin describes several types of fiscal sponsor models; in the interests of time, his Model B is the model described in this report, as it best aligns with NFHP’s current operations. The Partnership might be considered an independent contractor to the Association of Fish and Wildlife Agencies and the National Fish and Wildlife Foundation.

¹² Source: Gregory Colvin, Adler and Colvin, a Law Association, San Francisco, California.

	501(c)(3)	Fiscal Sponsorship
7. Time to wait before donors and grantors can be sure their contributions are tax-deductible	3 to 6 months or more to receive IRS letter, after Form 1023 is submitted	No wait; once sponsor accepts your project, immediate
8. Cost	Attorneys fees (TBD), IRS filing fee of \$750, state fee of \$25.	Sponsor fees vary from 0% to 15% of revenues or expenditures; may impose minimums
9. Annual forms to file	IRS Form 990, state forms, payroll forms	Progress reports to sponsor; sponsor files Form 990, etc.
10. Charitable purpose required, no excessive private benefit	Yes	Yes
11. Public support test (1/3) to meet to avoid private foundation status	Yes	No
12. Lobbying allowance	5–20% of annual budget	May be more, depending on use by other projects
13. Donations and grants are payable to:	Your corporation	Sponsor, in support of your project's purposes
14. Who raises money?	Your corporation, in its own name	Your project, with cover letter and IRS status of sponsor
15. Who owns assets?	Your corporation	Sponsor, in an account dedicated to your project, subject to exit agreement
16. Who pays the bills?	Your corporation	Sponsor, from your project account
17. Who hires staff and does payroll and benefits?	Your corporation	Sponsor
18. Who is liable for debts and claims?	Your corporation	Sponsor
19. Insurance provided by	Your corporation	Sponsor
20. Administrative and technical support	You are on your own	In addition to financial administration, sponsor may provide HR, IT, office space, and organization development advice
21. If project fails	Must dissolve corporation, do government filings, etc.	Sponsor closes project account
22. If project succeeds	Corporation grows	Project may "leave the nest," transfer assets and liabilities to its own new, separate non-profit corporation

4 Conclusion

As noted above, a deliberate yet phased approach to establishing a 501(c)(3) non-profit corporation to support the National Fish Habitat Partnership is recommended.

Over the past three years, the National Fish Habitat Partnership has entered a phase of organizational maturity. The Board's staff have noted that the Partnership seems to be "firing on all cylinders." We have achieved significant strides in governance, operations, and accomplishment. In addition, the Board is supporting the organizational development of the FHPs through a Multi-state Conservation Grant project led by AFWA, the USFWS, and The River Network.

The Board now has the opportunity to carefully launch a new phase in the program's maturity that provides needed tools, achieves efficiencies, and protects the work of the Board and the national partnership to date. When launched, a supporting non-profit organization will add to the strength of the program at low risk.

ASMFC Commissioner Conflict of Interest Guidelines, Procedures, and Recommendations

The Atlantic States Marine Fisheries Commission is comprised of 45 Commissioners from the Atlantic coastal states. The Commissioners are appointed by their home state and have a range of personal, educational, and professional backgrounds and interests. Some of the Commissioners have substantial financial interest in the outcomes of Commission fishery management actions.

The financial conflicts of interest of Commissioners and members of the federal fishery management councils have come under additional scrutiny recently. This paper outlines the issue and provides recommendations for changes to ASMFC practices and procedures.

The purpose of this paper is to present the issue and recommendation to the Executive Committee for consideration at the Summer Meeting. Following the Executive Committee discussion, the recommendation will be brought to the full Commission for consideration.

Background

Page 7, Section 1, Paragraph (B) of the Commission's Rule and Regulations provides:

Code of Conduct. Commissioners appointed by the states are responsible for upholding the integrity of the Commission and its member states. No Commissioner shall engage in criminal or disgraceful conduct prejudicial to the Commission, any other Commissioner or any other State. No Commissioner shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of official duties. The Executive Committee shall have the sole authority to consider allegations of breaches of this code, including appeals from Commissioners alleged to be in violation herewith. In the case of a breach, the Executive Committee may direct the Chair to notify the appropriate appointing authority in the Commissioner's home state.

Discussion

When individuals are appointed to serve as Commissioners, the states have varying disclosure requirements to characterize direct or indirect financial conflicts of interest. However, these disclosures are not conveyed to the Commission or made available to other Commissioners and the public. Also, Commissioners often appoint proxies that are not required to disclose potential conflicts of interest. This uncertainty about a Commissioner's or proxy's financial interests has caused concern regarding their ability to conduct their duties in a "fair and impartial" manner.

Based on the concerns over financial conflicts of interest the Executive Committee discussed the issue at the Spring Meeting. The Executive Committee noted that there is a long standing tradition of stakeholders serving on the Commission and they provide valuable input to the

process. However, there is a delicate balance, when stakeholders are serving as Commissioners, between providing expertise and influencing outcomes.

The Executive Committee tasked staff with contacting legal counsel and developing a series of recommendation to address the issue of conflict of interest. The following recommendations were developed based on the Executive Committee discussion, staff perspectives, insight from legal counsel, and consideration of practices at the federal management councils.

Recommendations

1. Financial disclosure forms for Commissioners. The forms will collect basic information on financial interest that may impact a Commissioner's ability to conduct business in a "fair and impartial" manner. The form will not collect the specific value (dollar amounts) of investments or holdings, just the category of financial interests. A sample disclosure form is attached.
 - Should the disclosure form only be required for Legislative and Governor's Appointee Commissioners? The Administrative Commissioners are bound by their state's code of conduct.
2. All proxies should be required to submit a completed financial disclosure form.
3. Financial Disclosure forms should be made available to the public.
4. All Commissioners that appoint a proxy should be required to notify the Commissioner's appointing authority when such an appointment occurs. For example, a Governor's Appointee Commissioner will notify the Governor's office when a proxy is appointed. This will increase accountability within the home state. Under the current system, the appointing authority is generally not aware a proxy has been appointed to represent the state at the Commission.
5. Concerns over conflicts of interest should be brought to the attention of the Executive Committee. If the Executive Committee determines that a financial conflict of interest is preventing a Commissioner from participating in a fair and impartial manner, the chair will notify the appointing authority in the Commissioner's home state. This provision already exists; however, it has not been used.
6. Commissioners with a direct or indirect financial interest in an issue should recuse themselves when the issue is being addressed.
 - Should the Commissioner recuse himself from the discussion and voting, or should he/she participate in the discussion and then recuse himself from participating in the state caucus on voting? Should the Commissioner be able to make or second motions?
7. Should the words "or indirect" be removed from the Code of Conduct? It is often less clear to determine at what level indirect financial interest may impact a Commissioner's ability to be fair and impartial.

ATLANTIC STATES MARINE FISHERIES COMMISSION

DRAFT -- COMMISSIONER DISCLOSURE FORM

This form is to be filled out by all (Legislative and Governor’s Appointee) Commissioners. The intent of this form is to provide a disclosure of direct and indirect financial interests that may impede the ability to serve as fair and impartial Commissioner. The information on this completed form will be provided to other Commissioners and made available to the public for review. Please answer all the questions that apply to your situation. If this form is for a proxy, the Commissioner that is appointing the proxy should sign the form and return it to the Commission at least one week prior to the relevant meeting.

Name of Commissioner/Proxy: _____

Address: _____

City, State, Zip: _____

Phone (day): _____

Email: _____

FAX: _____

Type of Commissioner: Governor’s Appointee

Legislative Commissioner

Type of Proxy: Proxy for Governor’s Appointee

Proxy for Legislative Commissioner

Name of Commissioner appointing proxy: _____

.....
FOR ALL COMMISSIONERS/PROXIES

1. Have you been found in violation of criminal or civil federal fishery law or regulation or convicted of any felony or crime over the last three years?

Yes _____ No _____

2. Are you a member of any fishermen’s organizations or clubs?

Yes _____ No _____

If “yes,” please list them below by name.

3. How many years have you lived in state you will be representing? _____ years
4. Do you have a direct or indirect financial interest in commercial fishing or for-hire fishing?
Yes _____ No _____

If "yes," please select all that apply:

- | | |
|--------------------------------------|------------------------------|
| Vessel Owner (Full or Partial) _____ | Vessel Captain _____ |
| Seafood Processor or Dealer _____ | Vessel Crew _____ |
| Gear Supplier/Manufacturer _____ | Other (Please Specify) _____ |

FOR COMMERCIAL FISHERMEN:

1. How many years have you been employed in the commercial fishing business? _____ years
2. Are you employed only in commercial fishing? yes _____ no _____
3. What is the predominant gear type used? _____
4. What are the predominant species targeted? _____

FOR CHARTER/HEADBOAT CAPTAINS:

1. How long have you been employed in the charter/headboat business? _____ years
2. Are you employed only in the charter/headboat industry? yes _____ no _____

If "no," please list other type(s) of business(es) and/occupation(s): _____

FOR RECREATIONAL FISHERMEN:

1. How long have you engaged in recreational fishing? _____ years
2. Are you working, or have you ever worked in any area related to the recreational fishing industry (for-hire fishery, recreational advocacy, tackle shop owner employee etc.)?
yes _____ no _____

If "yes," please explain.

FOR SEAFOOD PROCESSORS & DEALERS:

1. How long have you been employed in the business of seafood processing/dealing? _____ years

2. Are you employed only in the business of seafood processing/dealing?

yes _____ no _____ If "no," please list other type(s) of business(es) and/or

occupation(s): _____

FOR OTHER INTERESTED PARTIES:

1. How long have you been interested in fishing and/or fisheries management? _____ years

2. Are you employed in the fishing business or the field of fisheries management? yes _____ no _____

If "no," please list other type(s) of business(es) and/or occupation(s):

3. Are you employed in the in an advocacy role for fisheries, natural resources management, environmental issues, habitat, etc.? yes _____ no _____

If "yes," please explain):

FOR ALL NOMINEES:

In the space provided below, please provide the Commission with any additional information which you feel would allow other Board members and the public to fully understand your interest in fishing, fishery management, or the fishing industry.

Commissioner Signature: _____

Date: _____

Proxy Signature: _____

Date: _____

(2013) Part 3

Intergovernmental Personnel Agreements (IPAs)

Please mark the appropriate box and sign/date the appropriate blank line that may be applicable to your nomination if:

a) you, your spouse, general partner, and/or any organization in which you are serving as an officer, director, trustee, general partner, or employee, are currently participating as a principal investigator for a National Marine Fisheries Service study grant(s);

b) if you, your spouse general partner, and/or any organization in which you are serving as an officer, director, trustee, general partner, or employee, are currently detailed to the NMFS on a full- part-time basis under an IPA:

a) above, is applicable: _____
(sign and date)

b) above, is applicable: _____
(sign and date)

neither a) nor b) above, is applicable to my nomination:

:

(sign and date)

INFORMATION REQUIRED TO BE REPORTED must be DISCLOSED on NOAA FORM 88-195, "STATEMENT OF FINANCIAL INTERESTS FOR USE BY VOTING MEMBERS OF, AND NOMINEES TO, THE REGIONAL FISHERY MANAGEMENT COUNCILS"

Individuals nominated for appointment to a Regional Fishery Management Council must provide financial disclosure information pursuant to section [302\(j\) of the Magnuson-Stevens Act](#), and financial disclosure regulations at [50 CFR 600.235](#). The form must be filled out by each nominee for Secretarial appointment.

Disclosure must be made on NOAA Form 88-195. In all instances, the form must be signed and dated.

STATEMENT OF FINANCIAL INTERESTS

For Use By Voting Members of, and Nominees to, the Regional Fishery Management Councils,
and Members of the Scientific and Statistical Committee (SSC)

Authority to Require this Information

Section 302(j) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the financial disclosure regulations at 50 C.F.R. 600.235 require that “affected individuals” must meet certain financial disclosure requirements. In Section 302(j)(1) of the Magnuson-Stevens Act, the term “affected individual” means an individual who is nominated by the governor of a state for appointment as a voting member of a Council in accordance with Section 302(b)(2); or who is a voting member of a Council appointed in accordance with Section 302(b)(2); or Section 302(b)(5) who is not subject to disclosure and recusal requirements under the laws of an Indian tribal government. The reauthorization of the Magnuson-Stevens Act, at Section 302(g)(1)(D) also requires that each member of an SSC be treated as an “affected individual,” but only for the purposes of paragraphs (2), (3)(B), (4), and (5)(A) of Section (302)(j).

Financial interest in harvesting, processing, lobbying, advocacy or marketing (1) includes:

- (i) Stock, equity, or other ownership interests in, or employment with, any company, business, fishing vessel, or other entity or employment with any entity that has any percentage ownership in or by another entity engaging in any harvesting, processing, lobbying, advocacy, or marketing activity in any fishery under the jurisdiction of the Council concerned;
- (ii) Stock, equity, or other ownership interests in, or employment with, any company or other entity or employment with any entity that has any percentage ownership in or by another entity that provides equipment or other services essential to harvesting, processing, lobbying, advocacy, or marketing activities in any fishery under the jurisdiction of the Council concerned, such as a Chandler or a dock operation.
- (iii) Employment with, or service as an officer, director, or trustee of, an association whose members include companies, vessels, or other entities engaged in any harvesting, processing, lobbying, advocacy, or marketing activities, or companies or other entities providing services essential to harvesting, processing, lobbying, advocacy, or marketing activities in any fishery under the jurisdiction of the Council concerned; and
- (iv) Employment with an entity that has any percentage ownership in or by another entity providing consulting, legal, or representational services to any entity engaging in, or providing equipment or services essential to, harvesting, processing, lobbying, advocacy, or marketing activities in any fishery under the jurisdiction of the Council concerned, or to any association whose members include entities engaged in the activities described in paragraphs (1) (i) and (ii) of this definition.

Reporting and Filing Requirements

The Magnuson-Stevens Act requires the disclosure of any financial interest in harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be undertaken within any fishery over which the Council concerned has jurisdiction. An affected individual must disclose such financial interest held by that individual; the affected individual’s spouse, minor child, partner; or any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee. The information required to be reported must be disclosed on NOAA Form 88-195, or such other form as the Secretary may prescribe. The Financial Interest Form must be filed by each nominee for Secretarial appointment with the Assistant Administrator by April 15 or, if nominated after March 15, 1 month after nomination by the Governor. A seated voting member appointed by the Secretary must file a Financial Interest Form with the Executive Director of the appropriate Council within 45 days of taking office; must file an update of his or her statement with the Executive Director of the appropriate Council within 30 days of the time any such financial interest is acquired or substantially changed by the affected individual or the affected individual’s spouse, minor child, or partner, or any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee; and must update his or her form annually and file that update with the Executive Director of the appropriate Council by February 1 of each year regardless of whether any information has changed on that form. The Executive Director must in a timely manner, provide copies of and updates to the Financial Interest Forms of appointed Council members to the NMFS Regional Administrator, the Regional Attorney who advises the Council, and the NMFS’ Office of Sustainable Fisheries. These completed financial interest forms shall be kept on file in the Office of the NMFS Regional Administrator and at the Council offices, and shall be made available for public inspection at such offices during normal office hours. In addition, the forms shall be made available at each Council meeting or hearing and shall be posted for download from the Internet on the Council’s website. Councils must retain the Financial Interest Form for a Council member for at least 5 years after the expiration of that individual’s last term.

An individual being considered for appointment to an SSC must file the Financial Interest Form with the Regional Administrator for the geographic area concerned within 45 days prior to appointment. A member of the SSC must file an update of his or her statement with the Regional Administrator for the geographic area concerned within 30 days of the time any such financial interest is acquired or substantially changed by the SSC member or the SSC member’s spouse, minor child, partner, or any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee; and must update his or her form annually and file that update with the Regional Administrator by February 1 of each year. The Regional Administrator shall maintain on file the Financial Interest Forms of all SSC members for at least 5 years after the expiration of that individual’s term on the SSC. Such forms are not subject to section 302(j)(5)(B) and C of the Magnuson-Stevens Act.

Items to Report on NOAA Form 88-195, "Statement of Financial Interests:

Specific information must be disclosed for each relevant financial interest or relationship that may call into question whether there may be conflict of interest between (1) your financial interests and relationships and (2) your Council related actions and activities. The information to be listed does not require a showing of the amount of financial interest, but does require complete disclosure of any and all types of financial interest relationships in any fishery under the jurisdiction of the Council concerned.

In the event any of the required information, including holdings placed in trust, is not known to you but is known to another person, you should request that other person to submit the information on your behalf and should report such request in the section titled "Information Requested of Other Persons" on NOAA Form 88-195.

If you have no financial interest to disclose, please complete and check the appropriate boxes on the last page of the NOAA Form 88-195 "Statement of Financial Interests" and return.

Name of Individual: Include yourself, your spouse, a minor child or partner. *(If not yourself, your relationship to individual.)*

Entity Name/Full Address: Include name and full address of a company, business, fishing vessel, other entity or relationship. *(Entities may include: affiliations, associations, cooperatives, corporations, organizations, universities, etc.)*

Description/Relationship of Financial Interest: Include a description of the financial interest and the relationship (*marketing, processing, guide, charter, consultant, contractor*); degree of ownership (percentage) or share holdings or any other monetary or in-kind enumeration of a company, business, fishing vessel, other entity or relationship; directorship of, or employee of, a company, business, organization, other entity or relationship; contracted relationship; contributions to advocacy organizations; and the initial date the financial interest or relationship began.

Fisheries of Interest/Gear Type: Identify the fishery associated with this particular financial interest or relationship, the gear type utilized, and the product type produced (*fresh, frozen, filleted, canned*).

Examples:

(1) *If you own a one-third interest in a fishing vessel, your response should include:*

Name: John Doe	Council: New England Council	Committee:
Name of Individual (If not yourself, your relationship to individual.)		
John and Mary Doe (Joint ownership)		
Entity Name/Full Address	Description/Relationship of Financial Interest	Fisheries of Interest/Gear Type
Entity: Miss Amy Inc. Full Address City, State 00000	Commercial fishing vessel, harvester one-third interest by myself and my spouse Date Began: 3/2000	Atlantic Herring Trawl Product Produced: fresh

(2) *If your spouse is employed by a State government agency involved in the Council process and you have contracted with NMFS for stock assessment research, your response should include:*

Name: John Doe	Council: New England Council	Committee:
Name of Individual (If not yourself, your relationship to individual.)		
Mary Doe (Spouse)		
Entity Name/Full Address	Description/Relationship of Financial Interest	Fisheries of Interest/Gear Type
Entity: EFG Agency Full Address City, State, 00000	Agency involved in Council process Biologist Date Began: 2000	All Species
Name of Individual (If not yourself, your relationship to individual.)		
John Doe		
Entity Name/Full Address	Description/Relationship of Financial Interest	Fisheries of Interest/Gear Type
Other Entity or Relationship: NMFS Full Address City, State 00000	Produce stock assessment Contractor Date Begun.: 2004	Orange rockfish

Name:	Council:	Committee:
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Name of Individual (If not yourself, your relationship to individual.)

Entity Name/Full Address	Description/Relationship of Financial Interest	Fisheries of Interest/Gear Type
Entity:	Date Began:	Product Produced:
Other Entity/Relationship:	Date Began:	Product Produced:

Name of Individual (If not yourself, your relationship to individual.)

Entity Name/Full Address	Description/Relationship of Financial Interest	Fisheries of Interest/Gear Type
Entity:	Date Began:	Product Produced:
Other Entity/Relationship:	Date Began:	Product Produced:

Name of Individual (If not yourself, your relationship to individual.)

Entity Name/Full Address	Description/Relationship of Financial Interest	Fisheries of Interest/Gear Type
Entity:	Date Began:	Product Produced:
Other Entity/Relationship:	Date Began:	Product Produced:

Name:	Council:	Committee:
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Name of Individual (If not yourself, your relationship to individual.)

Entity Name/Full Address	Description/Relationship of Financial Interest	Fisheries of Interest/Gear Type
Entity:	Date Began:	Product Produced:
Other Entity/Relationship:	Date Began:	Product Produced:

Name of Individual (If not yourself, your relationship to individual.)

Entity Name/Full Address	Description/Relationship of Financial Interest	Fisheries of Interest/Gear Type
Entity:	Date Began:	Product Produced:
Other Entity/Relationship:	Date Began:	Product Produced:

Name of Individual (If not yourself, your relationship to individual.)

Entity Name/Full Address	Description/Relationship of Financial Interest	Fisheries of Interest/Gear Type
Entity:	Date Began:	Product Produced:
Other Entity/Relationship:	Date Began:	Product Produced:

Information Requested of Other Persons. In the event any of the required information, including holdings placed in trust, is not known to you but is known to another person, you should request that other person to submit the information on your behalf and should report such request in the section below.

Name and Address	Date of Request	Nature of Subject Matter

CHECK BOX, IF YOU HAVE NO APPLICABLE INFORMATION TO DISCLOSE

Position/Type of Filing:

- | | |
|--|---|
| <input type="checkbox"/> Council Nominee | <input type="checkbox"/> Original filing |
| <input type="checkbox"/> Council Member | <input type="checkbox"/> Annual filing |
| <input type="checkbox"/> SSC Member | <input type="checkbox"/> Supplementary filing |

Certification

I certify that the statements I have made are true complete and correct to the best of my knowledge and belief. I understand that if during the period of my appointment, I undertake new employment, I must promptly file an amended statement, and I must also report any new financial interests acquired during this period. I also certify that I am currently familiar with the statutes, regulations, and policies governing my responsibilities and conduct as applied to the duties I am assigned.

Printed Name: _____

Council/Committee: _____

Signed: _____

Dated: _____

Requests for Assistance or Additional Information

Refer to the financial disclosure regulations at 50 C.F.R. 600.235 for additional information. If you have any questions regarding the Statement of Financial Interests or related issues, please contact the Office of the Assistant General Counsel for Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 5882, Washington, D.C. 20230, or telephone (202) 482-5384.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The public reporting burden for this collection of information, on this NOAA Form 88-195, is estimated to average 35 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any aspect of this collection of information, including suggestions for reducing this burden to the National Marine Fisheries Service, Office of the Chief Information Officer (F/CIO), 1315 East-West Highway, SSMC #3, 3rd Floor, Silver Spring, Maryland 20910.

Public Access to Information

The Statement completed by voting members of the Regional Fishery Management Councils will be retained by the Council, made available on the Council Internet Site, and made available for public review at reasonable hours at the Council Office, and at each public hearing or public meeting.