



New Hampshire State Council Knights of Columbus

State Advocate Annual Report



Hon. Jordan Ulery, Esq.

Yet another year is ending. Despite the stress of Covid19 and my family's recovery since last August, a suit against the House of Representatives, the Hudson mega Hillwood Project suit and getting ready to move, things go on and some of the same old things appear in this report:

► Safe Environment:

Councils and Assemblies continue to not meet the minimum requirement of designated persons to take the on-line, open book training with a review quiz for their three year certification. One issue is that when one moves up the chair the previous certification does not follow so a new certification is needed. Also, some Councils are not reporting a person for the required position thus they are not eligible for any awards. This is no longer a nice addition to our service, **this is a mandatory service reminder!**

► IRS Compliance:

By now everyone is aware that all subordinate units are required by federal dicta to have an EIN. Only one EIN per subordinate unit is allowed.* Along with this bureaucratic male bovine excrement, an IRS form 990 must be filed annually by all registered entities. Councils and Assemblies continue to miss the THREE YEAR grace period allowed by the IRS for filing the required form 990. Do not file a form 990 and you cease to be under the umbrella of the Knights of Columbus as a tax exempt organization and may be subject to an IRS audit. It costs \$600.00 to be re-instated with no exceptions per IRS rules. **The GK and the FS MUST be aware and get this form filed annually.**

**If you are unsure what your EIN is or cannot find it please drop me an email and I will forward it to Ann at Supreme. I believe, however, that all EINs are listed by name 'somewhere over the rainbow' on the IRS site.*

► Secretary of State Registration:

Despite State Law specifically stating that federally recognized not-for-profit organizations do not need to register with the Secretary of State, some banks in NH demand that in order to have a checking account a Council or Assembly needs to be registered. After more than a year of discussion with Supreme, **the new rule in NH is that a Council, Assembly of Circle may be registered with the Secretary of State as a Trade Name (TN Form 100) only.** It is still prohibited by the trademark holder, Supreme Council, for a subordinate unit to register with any governmental entity in NH using the trademarks of the Order (Council/Circle/Chapter/Assembly Name(s), Knights of Columbus, KofC, our emblems or other insignia) without the explicit authorization of the Board of Directors as a corporation.

Registration as a corporation places such entity outside of the Knights of Columbus, as a Connecticut Chartered Not-for-profit Corporation; places such entity in direct competition using the same names with our Order and threatens our collective status as a 501(c)8 IRS entity. **Please remember that no State Council, no local Council, Assembly, Chapter or Circle stands alone! We are all subordinate units of Supreme which holds to only licit status as a corporation (a business).**

One should also remember that, as clearly stated in the Charter Constitution Laws of the Order, except for fraternal operations, no subordinate unit (Council, Assembly, Chapter, Circle) may use the trademarks of the Order. No person shall operate a business using the name or emblems or the Order without permission of the Supreme Board of Directors (English Company has permission for example). Corporations in NH, be they not-for-profit or otherwise, are businesses and, per what DRA stated in Ways & Means, may be subject to NH corporation tax filings at the least. New software to integrate the Secretary of State, Charitable Trust Division and the Department of Revenue Administration is slowing coming on line in light of the huge volume of money involved in charitable gaming.

In April of 2022 another letter clarifying the right of subordinate units (State Council, Councils, Assemblies, Chapters, Circles) to register as a trade name, but not to register as a corporation, was issued by Supreme to the New Hampshire Corporations Division in Concord. A copy of that letter is available on-line, along with IRS documentation, for the use of subordinate units should a bank request more dead trees.

▶ Gaming:

There is now a comprehensive guide for the subordinate units to walk you through the maze of regulations for registration as a gaming operator in New Hampshire for a charity. This bound guidance from Supreme and prepared by one of New Hampshire's premier law firms (at no expense to the State Council -thank you very much). **Do Not contact the law firm with any questions**, rather contact the State Advocate for guidance [jordanulery@comcast.net - 603-231-7867]. If you contact the law firm you may very well be on the receiving end of a bill for \$500/hr attorney services 😞. Again, no corporate filing, merely Trade Name Registration per Supreme. The printed guidance will be available at the Annual Business Meeting. One should also be aware that the Lottery Commission, now overseeing charitable gaming, has hire physical and forensic auditors due to complaints having been made. Lottery was granted additional General Fund monies to pay for the positions which should already be doing their investigative work.

Also, this is **conditional guidance**. **The condition is that if a Parish Priest or the Ordinary decides 'no gaming for you', then no gaming will be condoned!**

▶ Personnel Issues:

Fortunately this year there were no reportable actions that required the State Council intervention. If asked to participate in a personnel issues panel by myself or the State Deputy, those involved are reminded that they will take an oath of confidentiality regarding the incident.

▶ KofC Plates:

Guys, Concord is operating in a SNAFU period right now as things get back to normal. I am still awaiting information from the DMV. This is certainly not high priority for them 😞.

▶ 501(C)3 GRANITE STATE KNIGHTS:

Awaiting final IRS approval, which should be complete by the time of the Annual Meeting, for an affiliated IRS qualified 501(c)3 Charity for the subordinate units to use for matching funds from business and personal entities. This did cost the State Council a small bit of money and the rules are being crafted. In short the GSK (or whatever name is finally approved by the powers that be) will be a clearing house for events that require a 501(c)3 to receive matching funds. Annual fees are small, no fees except per capital addition to next year's budget is anticipated. (Corporation filing fees).

For Example: Council ABCD wants to solicit with tootsie rolls. Big Box Store wants an "in-kind" deductions. Subordinate unit assigns the solicitation to GSK, using GSK EIN; subordinate unit does the work and makes a reporting to GSK who then receives the funds collected and the corporate donation and then donates them to the entity designated by the subordinate unit to receive the funds they collected (Nothing prevents the subordinate unit from making a "Big Check" for the presentation or using the subordinate unit's name in press releases). Bookkeeping would be under the supervision of the State Treasurer and may be assigned to another Member of the Order or State Council exactly as is done for helping out at the Camps, etc. This organization will not compete (will not hold its own programs) with any subordinate unit, but will serve as a clearing house for all subordinate units.

▶ Council Advocates Training:

IF interested to have a short training session for Council Advocates and Chancellor. Please contact me at the Annual Business Meeting so that planning can begin. Topics would include business meeting operation, minutes, Charter Constitution Laws of the Order, Council Bylaws and State Council Bylaws. DDs would be invited as well to assist their Councils and review State Council Bylaws.

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NH State Council

Knights of Columbus, Honorary Life Member

NH State Advocate

Evangelize our Faith, Share our Order